

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

107

RSA No. 4388 of 2013

Date of decision: 27.08.2015

Punjab State Warehousing Corporation and another

...APPELLANTS

VS.

Amarjit Singh

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashish Gupta, Advocate
for the appellants.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This appeal has been preferred by the appellants-plaintiffs against the judgments and decree passed by the Courts below, whereby the suit of the appellants-plaintiffs was dismissed with costs for want of evidence under Order 17 Rule 3 CPC.

It is the contention of the counsel for the appellants that the reason for non-production of evidence on the part of the appellants-plaintiffs was that the records pertaining to the case were maintained and kept in the head office, which could not be procured, which led to the non-leading of any evidence before the trial Court. He contends that since the appellant is a State Warehousing Corporation and the recovery is to be effected from the delinquent employee because of he having unauthorizedly used 2422 gunnies of 75 Kg., which resulted in the loss of the appellants-

plaintiffs, therefore, for the fault of the official, the burden should not be put on the appellants-Corporation, which would give undue benefit to the respondent.

This contention of the counsel for the appellants cannot be accepted in the light of the fact that six opportunities were given to the appellants-plaintiffs to lead their evidence, out of which, four were effective opportunities. Further, on a query put by this Court, counsel for the appellants-plaintiffs has failed to point out any action having been taken against the erring official for non-production of the records before the trial Court at the time when the case was fixed for evidence of the appellants-plaintiffs.

The judgments passed by the Courts below, in the absence of any evidence being on record by invoking Order 17 Rule 3 CPC, cannot be faulted with. The judgments and decree passed by the Courts below being in accordance with law do not call for any interference by this Court. There being no substantial question of law, which arises for consideration of this Court in the present appeal, which itself is a ground for non-admission of this appeal.

The appeal, therefore, stands dismissed.

August 27, 2015
pj

(AUGUSTINE GEORGE MASIH)
JUDGE