

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

129

RSA No. 942 of 2014 (O&M)

Date of decision: 08.09.2015

The Haryana Co-operative Marketing-cum-Processing Society Ltd.

....APPELLANT

|

VERSUS

M/s Subhash Gupta and Sons

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Pankaj Gupta, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In this appeal, challenge has been posed to the judgments and the decree passed by the Courts below vide which suit for recovery of ₹ 69,336/- from the respondents-defendants on account of non-supply of 346 paddy bags stands dismissed and the appeal has also been dismissed by the District Judge, Jind on 06.11.2013.

It is the contention of the counsel for the appellant that as per the ledger books and the statement of accounts produced, payment of the material has already been made but the material has not been actually supplied which comes to ₹ 60,636/-. He thus, contends that the findings recorded by the Courts below being contrary to the records cannot be sustained and, therefore, call for interference by this Court.

This contention of the counsel for the appellant-plaintiff cannot be accepted as according to the Rules, which are followed of the Market Committee, the payment to the Commission Agents has to be made within a

period of 72 hours from the time of purchase of the material. It is also admitted by the official, who had appeared on behalf of the appellant-plaintiff, namely, Mr. Satpal Singh PW-1, that the payment is made after the lifting of the material and weighment thereof. If that be so, it cannot be said that the material has not been supplied to the appellant-plaintiff whereas the payments have been released. The conclusions drawn by the Courts below being in accordance with the evidence, which has been produced on record, and there has been no misreading rather proper appreciation of the same, do not call for any interference by this Court.

There being concurrent findings recorded by the Courts below and no substantial question of law, which arises in the present appeal which requires consideration of this Court, the present appeal stands dismissed.

September 08, 2015
pj

(AUGUSTINE GEORGE MASIH)
JUDGE