

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA No.1275 of 2009 (O&M)

Date of decision : 23.08.2016

Punjab State Civil Supplies Corporation Ltd. and another ...Appellants

Versus

Gurcharan Singh ...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Deepak Sabharwal, Advocate for the appellants.

Mr. Namit Gautam, Advocate for the respondent.

AMIT RAWAL, J. (Oral)

The appellants-plaintiffs are aggrieved of the judgment and decree qua non-granting of the interest before filing of the suit i.e. w.e.f. 01.07.1987 to 31.05.1990, along with future interest @ 18% p.a.

Mr. Deepak Sabharwal, learned counsel appearing on behalf of appellants-plaintiffs submits that Gurcharan Singh was appointed as Inspector in the Depot of PUNSUP at Ferozepur and accord misappropriation and report in this regard has been received on 09.09.1987/20.07.1988. Suit was filed on 17.07.1990. The trial Court has decreed the suit and granted the interest at the rate of 6% p.a. from the date of filing of the suit till realisation but denied the interest qua period aforementioned. In support of his contention, he has relied upon provision of Section 34 of the Code of Civil Procedure and as well as provision of

Interest Act, 1978 and urges this Court for formulation of the substantial questions of law as culled out in memorandum of appeal.

Mr. Namit Gautam, learned counsel appearing on behalf of respondent submits that plaintiffs have miserably failed to prove their claim and interest qua period aforementioned as no explanation has come forth in not filing the suit before 17.07.1990 and rightly so, they have been granted interest and thus urges this Court for dismissal of the appeal.

I have heard learned counsel for the appellants-plaintiffs and appraised the paper book.

The categoric case of the appellants-plaintiffs had been that Gurcharan Singh-defendant gave charge on 22.05.1987 to Sushil Verma, Inspector and Mohinder Bajaj, Inspector in the presence of the Committee and Committee submitted its report on 09.09.1987/20.07.1988 and lastly on 31.08.1988. Suit had been filed on 17.07.1990. No explanation has come forth in not filing the suit with promptitude. In my view, appellants-plaintiffs cannot claim for their own fault.

For the foregoing reasons, I do not intend to differ with the findings rendered by the trial Court in non-granting of the interest for the period i.e. w.e.f. 01.07.1987 to 31.05.1990.

Dismissed.

23.08.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes

Whether reportable:-

No