

105

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

RSA No.3261 of 2014

Date of decision: February 05, 2016

Haryana Agro-Industries Corporation Limited

.....Appellant

Versus

Som Nath Bhandula

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

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

SABINA, J

Appellant had filed suit for recovery against the respondent.

The case of the appellant-Corporation, in brief, was that Corporation had procured 2,99,516 bags each weighing 95 kilogram of wheat during the year 1994-1995. The procured stock was placed at various plinths/godown in Kaithal town. 2,41,134 bags of wheat were stored at Kaithal Mandi, where respondent was posted as a Store-Keeper. Further, the case of the Corporation was that on account of negligence, mismanagement and fraudulent bills submitted by the respondent, Corporation had suffered loss to the tune of ₹58,29,944.08 paisa. Hence, the suit of recovery was filed against the respondent.

Respondent in his written statement denied the contents of the plaint and averred that he had been falsely

involved in the case.

On the pleadings of the parties, following issues were framed by the trial Court:-

- “1. Whether the plaintiff is entitled to recovery an amount of ₹58,29,944.08 paise from the defendant?OPP
2. If issue No.1 is proved in affirmative, whether the plaintiff is entitled to interest, if yes, at what rate?OPP
3. Whether the plaintiff has no locus standi to file the present suit?OPD
4. Whether the plaintiff has no cause of action to file the present suit?OPD
5. Whether the suit is bad for non-joinder and mis-joinder of necessary and proper parties?OPD
6. Whether the suit is not filed by competent authority?OPD
7. Whether the suit is not properly valued for the purpose of court fee and jurisdiction?OPD
8. Whether this court has got no jurisdiction to try and entertain the present suit?OPD
9. Relief.”

Parties led their evidence in support of their respective pleas.

Trial Court vide judgment/decreed dated 26.05.2010 dismissed the suit of the plaintiff-appellant. The judgment/decreed passed by the trial Court were upheld by the The First Appellate Court vide judgment/decreed dated 14.01.2014 in an appeal filed by the plaintiff-appellant. Hence, the present appeal by the appellant.

I have heard learned counsel for the appellant and

have gone through the record available on the file carefully.

In the present case, Corporation had filed suit for recovery against the respondent on the allegation that the Corporation had suffered loss on account of negligence, mismanagement of the respondent and further that the respondent had prepared fraudulent bills. Departmental proceedings were also initiated against the respondent. It has been noticed by the Courts below that as per the inquiry report Exhibit PW3/A5, respondent was not found responsible for the loss suffered by the Corporation. Learned trial Court has also taken in consideration the report of the Committee Exhibit PW3/A3, wherein, the Inquiry Officer had given a finding that the wheat had been damaged during the year 1995-1996 due to heavy rains, hailstorm and monkey menace in the complex of Kaithal. Since in the departmental proceedings, respondent was not found responsible for the loss in question, the Courts below rightly held that the suit filed by the Corporation for recovery was liable to be dismissed.

No substantial question of law arises in this case warranting interference by this Court.

Dismissed.

**(SABINA)
JUDGE**

February 05, 2016
mahavir