

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

**FAO No. 7502 of 2015 (O&M)
Date of Decision: 17.07.2017**

Rajbir Singh

..... Appellant

Versus

The Managing Director, Haryana State
Ware-House Corporation, Panchkula and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: None for the appellant.

Mr. Pardeep Rajput, Advocate
for respondent Nos. 1 to 3-Corporation.

JASWANT SINGH, J. (ORAL)

Appellant-Rajbir Singh filed a Civil Suit No. 130 of 2007 dated 27.01.2007 for rendition of account and mandatory injunction against the officials of Haryana State Warehousing Corporation. It was claimed that he (Rajbir Singh) was a Transport Contractor by profession and had received a contract for transporting wheat bags from Hathin to Ratipur, Ratipur to Banchari, Ratipur to Faridabad and Ratipur to Hathin for the period from 01.04.2005 to 31.03.2006. The defendants-respondents were refusing either to render the accounts or make the outstanding payments of Rs. 6,30,000/- on account of wheat bags transported in terms of the contract. The case of the defendants/Corporation was that the plaintiff had not lifted stocks as per the contract and, therefore, caused loss to the defendants. The suit of the appellant-plaintiff was dismissed vide order dated 14.02.2012, passed by learned Civil Judge (Jr. Divn.), Palwal and the appeal filed by him

In the present appeal, the appellant-plaintiff has laid challenged to the order dated 01.08.2014 whereby the learned District Judge, Palwal, has dismissed the second application preferred by the appellant-plaintiff for restoration of his appeal dismissed in default on 30.04.2014.

Upon notice, learned counsel for respondent Nos. 1 to 3 has put in appearance and has argued that the appeal filed by the appellant/plaintiff against the judgment and decree dated 14.02.2012 was earlier dismissed in default on 20.02.2014, but was restored vide order dated 28.02.2014 subject to payment of Rs. 1,000/- as costs. The same was again dismissed by the impugned order dated 30.04.2014 due to willful absence on behalf of the appellant-plaintiff. He further submits that the reasons recorded by the Court below in order dated 01.08.2014 do not require any interference.

Today, none has appeared on behalf of the the appellant and also the position was same on the previous date of hearing.

Petition stands dismissed in default.

July 17, 2017

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No