

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

203

RSA-2013-2012 (O&M)  
Date of Decision: 13.11.2017

GURDEV SINGH BRAR

....APPELLANT

VS

PUNJAB STATE CIVIL SUPPLIES CORPORATION & OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.K.Arora, Advocate  
for the appellant.

Mr. Bhupeshwar Jaswal, Advocate for  
Mr. I.S.Sidhu, Advocate  
for respondents No. 1 and 2.

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**AJAY TEWARI, J.(Oral)**

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit of the appellant wherein he had prayed that a recovery of Rs. 1.13 lacs odd could not made from him.

Brief facts of the case are that when the appellant was incharge, there was a shortage of 14 bales and 106 empty gunny bags and the recovery order had been passed thereof. Counsel for the appellant has argued that the appellant actually had deposited the gunny bags.

Both the Courts below found that the appellant had written a letter dated 1.12.2003 wherein he first expressed his willingness to deposit the gunny bags and then moved another application dated 17.03.2005 to make good deficiency and later went on to assert that the gunny bags had already been

deposited. In view of both the Courts below this contradictory stand showed that actually the appellant had not deposited the gunny bags because if he had already deposited the same there was no occasion for him to voluntarily deposit them yet again. As regards the argument that the register showed the deposit of gunny bags, both the Courts below found in subsequent enquiry also the appellant had accepted the loss. It was in these circumstances that the suit was dismissed. Counsel for the petitioner is not in a position to explain how the findings of the Courts below are wrong.

Resultantly, the appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

**13.11.2017**  
**anuradha**

**(AJAY TEWARI)**  
**JUDGE**

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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No