

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

**Regular Second Appeal No.3092 of 2013 (O&M)  
Date of Decision: 24.11.2017**

M/s Garg Fertilizers, New Grain Market, Sri Muktsar Sahib  
through Sanjiv Kumar, Sole Proprietor of the Firm

..... Appellant

*Versus*

Bagicha Singh

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. Ashok Kumar Khunger, Advocate  
for the appellant/defendant.

Mr. P.S.Brar, Advocate  
for the respondent/plaintiff.

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**JASWANT SINGH, J. (Oral)**

The plaintiff/respondent-Bagicha Singh had filed a suit for recovery of Rs.3,03,270/- along with interest at the rate of Rs.2/- per hundred per month from the defendant/appellant M/s Garg Fertilizers on account of the sale consideration with regard to the crops sold for a period from 13.10.2005 to 17.12.2005. The suit of the plaintiff has been dismissed with costs, vide order dated 16.03.2011, passed by learned Addl. Civil Judge (Sr. Divn.), Sri Muktsar Sahib. Aggrieved against the same, the plaintiff has filed an appeal against the said order, which has been accepted, vide order dated 08.05.2012, passed by learned District Judge, Sri Muktsar Sahib, while setting aside the aforesaid judgment and decree of the trial Court and the suit filed by the plaintiff has been partly decreed for the recovery of Rs.80,456/- along with proportionate costs and interest at the

rate of 9% per annum for pre-suit period and at the rate of 6% per annum for *pendente lite* and further period against the defendant. Hence, the present appeal.

At the time of hearing, learned Counsel for the appellant/defendant prays for withdrawal of the present appeal as the matter between the parties has been amicably settled.

In response, learned Counsel for the respondent/plaintiff concedes the aforesaid factual situation.

In view of the above, the present appeal is dismissed as withdrawn.

Since the main appeal stands dismissed as withdrawn, the pending applications, if any, shall also stand disposed of.

November 24, 2017

Gagan

(JASWANT SINGH)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |