

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

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**RSA No.4134 of 2016 (O&M)
Date of Decision : 10.08.2017**

C.T.C. Freights Carriers Pvt. Ltd.

..... Appellant

Versus

Technico Agri Sciences Ltd. (Formally known as Chambal Agritech Ltd.)

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Jaideep Verma, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing the suit of the respondent.

The admitted facts are that the appellant is a transport company and the respondent had booked seed potatoes to be transported from Jalandhar to Navasheva Port at Mumbai for further export to Riyadh, Saudi Arabia. It was further mentioned in the consignment note that the material would have to be taken in refrigerated trucks and the temperature would have to be maintained at 24 degree centigrade. However, when the truck reached Navasheva Port at Mumbai it was found that the material was damaged. Both the Courts below held that once the defendant-appellant's witness had admitted that the consignment note specified that the

temperature had to be maintained at 24 degree centigrade, the onus came upon the appellant to prove that the temperature was in fact maintained at 24 degree centigrade. However, in this case after admitting this consignment note by DW-1 the appellant led no evidence and his evidence was ultimately closed by court order. It was in these circumstances that both the Courts below decreed the suit for damages.

Counsel for the appellant has not been able to persuade me that the findings of fact and law are either based on no evidence or based on such a perverse misreading of evidence so as to justify the interference of this Court. Further no question of law arises.

Accordingly, the appeal is dismissed. No costs.

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

August 10, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No