

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.3613 of 2011(O&M)
Date of Decision: 24.01.2018

The Senior Regional Manager, Food
Corporation of India (Haryana Pradesh) & ors.

... Appellants

Versus

Deepak Mangla

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. J.S. Puri, Advocate,
for the appellants.

Mr. Adarsh Jain, Advocate,
for the respondent.

RAMENDRA JAIN, J.(Oral)

Defendants through this second appeal have laid challenge to the judgment and decree dated 21.03.2011 of the First Appellate Court affirming the judgment and decree dated 22.12.2008 of the trial Court.

Put Pithily, the appellants-defendant purchased 18800 bags of wheat weighing 17860 Qtls. from the firm of the respondent-plaintiff in between dated 23.04.1998 to dated 10.06.1998. Last consignment purchased by the appellants-defendant from him was 350 bags weighing 332.50 Qtls having the value of ₹1,51,287.50 paise. However, the appellants-defendant instead of paying the said amount paid only ₹76,500.75 paise i.e. ₹96,100/- less. That apart, as per the agreed terms and conditions between the parties, the respondent-plaintiff was also entitled to ₹40,631.50 paise towards enhanced bonus subsequently enhanced by 1/2%, but he was paid only ₹9,631.50 paise i.e. less ₹31,000/-. Besides above, the respondent-plaintiff was not paid labour charges amounting to ₹19,840/- totalling to ₹2,24,820/-

With these broad submissions, the respondent-plaintiff knocked the door of the Civil Court for issuance of direction to the appellants-defendant to make payment of the aforesaid amount along with interest @ 18% per annum.

The trial Court after holding trial, decreed the claim of the respondent-plaintiff in toto vide judgment and decree dated 22.12.2008.

Being aggrieved, the appellants preferred an appeal before the First Appellate Court at Palwal, but remained unsuccessful as their appeal was dismissed vide judgment and decree dated 21.03.2011.

Learned counsel for the appellants contended that the respondents-plaintiff ought to have filed a suit for recovery instead of suit for mandatory injunction and thus, both the Courts below without appreciating this fact wrongly and illegally decreed the suit.

On the other hand, learned counsel for the respondent strongly opposed the above submissions of learned counsel for the appellants.

Having given thoughtful consideration to the submissions made by learned counsel for the parties, this Court finds that the submissions made by learned counsel for the appellants are completely devoid of merit for the simple reason that ad valorem Court fee on the amount claimed i.e. ₹2,24,820/- has been paid by the respondent-plaintiff towards Court fee before the trial court.

No question of law much less substantial has been raised for consideration in this second appeal. Therefore, the same is liable to be dismissed.

Accordingly, the instant appeal is dismissed with a direction to the appellants to make payment of the decretal amount to the respondent-plaintiff along with interest awarded to him by the Courts below within a

period of 2 months, failing which the erring officer of the appellants shall further be liable to make additional payment of ₹1,000/- per day to the respondent-plaintiff for delay and laches.

24.01.2018
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(RAMENDRA JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>