

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3852-2013 (O&M)
Date of decision: 16.04.2018

State of Punjab and another

.....Appellants

versus

M/s Gee Gee Seeds and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.M.S.Dhillon, DAG Punjab for the appellants
Mr.Raman Goklaney, Advocate for respondent
Nos.3, 5 and 12 to 15
Ms.Nikita Bansal, Advocate for
Mr.Nitin Bansal, Advocate for respondent no.4
None for the other respondents

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Impugned in the present Regular Second Appeal is the order dated 29.2.2012, passed by learned Additional District Judge, Ferozepur, affirming the judgment and decree dated 15.6.2010, passed by learned Additional Civil Judge (Senior Division), Jalalabad (West), District Ferozepur, vide which suit of the plaintiff-respondents was decreed against defendant nos.1 and 2 for Rs.14,21,765/- i.e. Rs.9,54,800/- as subsidy amount and Rs.4,65,465/- on account of interest thereon with simple interest @ 12% per annum from the date of filing of suit till the date of decree and with future interest @ 6% per annum from the date of decree till actual realization of the amount. It was further ordered that since defendant nos.1 and 2 have already made part payment of subsidy amount of Rs.3,25,340/-

vide Ex.P3, as such, the said amount shall be adjusted in the execution application. Suit against defendant nos.3 to 15 was dismissed.

I have heard learned counsel for the parties and have also carefully gone through the file.

It was averred in the plaint by the plaintiff that as per memo dated 3.11.1999, 20% subsidy was to be given against the wheat seed produces for the wheat seed sold by them to the farmers through Cooperative Societies/ Marketing Societies during the crop Rabi 1999. Accordingly, defendant nos.3 to 15 purchased certified seed of wheat and made part payment of Rs.45,21,760/- at the concessional rate after deducting the subsidy. Plaintiff claims the said subsidy from defendant nos.1 and 2 State.

I am of the view that both the Courts below after considering the facts of the case and also of the Policy of the State held that the plaintiff is entitled to claim such subsidy from the State and accordingly the suit was decreed. There are concurrent findings of two Courts below. The decision of the case rests on the facts, which were established before the trial Court. No law point arises. No ground to interfere in the judgments of the two Courts below.

Resultantly, the present Regular Second Appeal stands dismissed.

Since the main case has been dismissed, therefore, the pending CM, if any, also stands disposed of.

16.04.2018

gk

(Kuldip Singh)

Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No