

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

RSA No.2134 of 2016(O&M)

Date of decision: 13.7.2018

Kulbir Singh

....Appellant

VERSUS

M/s Mangal Singh and Sons

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vinod Bhardwaj, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against the concurrent findings recorded by the Courts whereby suit for rendition of accounts filed by the appellant/plaintiff has been dismissed primarily by relying upon judgment of this Court **Bhim Singh Vs. M/s Mewa Singh and Company, 2011(2) PLR 394.**

A brief backdrop of the case is that the appellant claiming himself to be an agriculturist and a customer for sale of produce through M/s Mangal Singh and Sons, Commission Agents, Pehowa filed a suit for rendition of accounts on the premise that he sold his produce on 24.09.2007, 12.11.2007, 22.11.2007 and 08.11.2008 and relevant J forms are in his custody. On the other hand, plea of the respondent/defendant is that there was a running account of the appellant with the respondent. He refused to sell his crops through agency of respondent after 22.11.2009. At that time, an amount of Rs.1549.20/- was due against the appellant.

Counsel for the appellant is not in a position to advance any argument that the judgment relied upon by the Courts below in **Bhim Singh's case** (supra) either does not have any bearing on the facts and circumstances of the case in hand or the same does not hold field as of now. He has also failed to cite any judgment contrary to what has been held in **Bhim Singh's case** (supra). In this view of the matter, he has failed to make out a case that the judgments passed by the Courts suffer from perversity or raise a question of law that needs determination in regular second appeal.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. However, the appellant make take recourse to remedy in law for seeking recovery, if otherwise available.

JULY 13, 2018

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no