

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

**RSA 1229/2014 (O&M)
Date of decision:01.08.2018**

Ranjit Singh(deceased) through his LRS

.....Appellant

v.

Punjab State Civil Supplies Corporation Ltd.,Chandigarh and another

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Naresh Prabhakar,Advocate for the appellant
Mr.Anil Kumar Sharma,Advocate for respondents

Jaswant Singh,J,(Oral).

Defendant/appellant is in second appeal against concurrent findings recorded by the Courts below whereby suit of the plaintiffs/respondents for recovery was decreed by the Civil Judge,Senior Division,Faridkot vide judgment and decree dated 10.3.2011 and the findings thereof affirmed in appeal by learned District Judge,Faridkot vide judgment and decree dated 4.9.2013.

Counsel for the parties heard at length.

It is submitted by the learned counsel for the appellant that the suit was barred by time and the rate of awarded interest is on the higher side. On the other hand,learned counsel for the plaintiffs/respondents has submitted that the findings returned by the Courts below are just and legal based on the evidence led by the parties.

Briefly noticed, the defendant/appellant-Ranjit Singh was working as Inspector Grade-I,PUNSUP. During his posting at Jaitu Center

he purchased 1,17,769 bags of paddy weighing 76,549.85 quintals. Purchased paddy was required to be stored only in the allotted rice mills for custom milling. Defendant stored 46000 bags of paddy at various shellers for milling at Kotkapura. On reconciliation of receipts of stocks received by shellers, it was found that there was shortage of 350.55 quintals at Kotkapura Shellers, which was not accounted for by the defendant. Thus, plaintiff suffered a loss of 350.55 quintals of paddy due to negligence and misappropriation by the defendant. It was further alleged that defendant without any authorization stored 51,681 bags of paddy, weighing 33,592.65 quintals of paddy at Shiv Rice Mills, Jaitu. On physical inspection, it was found that there was husk instead of paddy in some bags. On 30.12.1999 it was found that 248 bags of paddy were short in the stocks. In order to segregate the stocks and deliver the same to the allotted rice mills, a Committee was constituted and defendant was directed to hand over the charge to one Harmesh Kumar, Inspector Grade I, but the letters sent to defendant were received back undelivered, whereafter publication was got done in 'Daily Ajit' and 'Jagbani' newspapers to that effect. In response, defendant appeared and after transfer of the paddy it was found that in 2983 bags paddy husk was filled instead of paddy. The report was signed by the Committee members as well as by the defendant. In nut shell, it was alleged that defendant had caused loss to the plaintiffs to the tune of Rs.18,92,319/-.

Upon notice, defendant contested the suit by filing written statement.

On the pleadings of the parties issues were framed. Both sides led evidence. The Courts below on the basis of oral as well as documentary

evidence held that plaintiffs were entitled to recover the claimed amount of Rs.18,92,319/-alongwith interest. As regards limitation, it was found that cause of action to file the suit arose on 16.10.2001 on completion of all formalities to calculate the exact loss cause by the defendant to the plaintiff Corporation. The suit was instituted on 21.2.2003 and was thus within limitation prescribed under the Limitation Act.

Thus, the plea of the counsel for the appellant that the suit was barred by limitation is totally misconceived and hence rejected for the reasons recorded by the Courts below.

As regards grant of interest on the decretal amount @ 19.75% per annum, learned counsel for the respondent/plaintiff is unable to dispute that the same is on higher side and liable to be reduced.

Accordingly, the instant appeal is partly accepted to the extent that the plaintiff/respondents would be entitled to pendente lite and future interest @ 6% per annum on the decretal amount.

Decree is modified to the extent as above.

01.08.2018

joshi

(Jaswant Singh)

Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No