

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

RSA No.979 of 2016 (O&M)

Date of decision:29.11.2018

M/s Vista Plastech

... Appellant

Vs.

M/s Agro Dutch Industries Limited and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Hemen Aggarwal, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff has not been successful in seeking recovery of ₹2,48,518/- (₹1,85,405/- as principal amount and ₹63,113/- as interest) against the defendants on the basis of the invoices/bills pleaded in the plaint on the premise that proprietor-Archana Aggarwal did not appear in the witness box, instead her husband, who alleged to have knowledge.

Confronted with the situation, Mr. Hemen Aggarwal, learned counsel for the appellant after having instructions/information from his client informed the Court that there was no authority or power of attorney in favour of PW1. In such circumstance, defendants were deprived of the right of cross-examination to assertion vis-a-vis business transaction, for, the plaintiff was none-else but proprietor.

The findings of facts and law arrived at by both the Courts below declining the relief, in my view, cannot be faulted with or suffer from

illegality and perversity.

The appeal is also accompanied by an application seeking condonation of delay of 945 days in filing the appeal. The application is bereft of the reasoning.

The appeal is dismissed on limitation as well as on merits.

(AMIT RAWAL)
JUDGE

November 29, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No