

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

RSA No.498 of 2014 (O&M)

Date of decision:17.05.2018

Chanchal Singh

... Appellant

Vs.

The Punjab State Civil Supplies Corporation Limited,
Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. K.G.Chaudhary, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-defendant is aggrieved of the concurrent findings of facts and law, whereby, suit for recovery of ₹21,66,759.22 paise alongwith future interest at the rate of 6% per annum, has been decreed in favour of the respondent-plaintiffs.

Mr. K.G.Chaudhary, learned counsel appearing on behalf of the appellant-defendant submits that plaintiffs-Punjab State Civil Supplies Corporation Limited, Chandigarh (hereinafter called as 'PUNSUP') instituted the suit on the premise that appellant-defendant joined at Batala on 13.05.1983 under the control of the District Manager Punsup, Gurdaspur. His duties were to procure the wheat and distribution of essential commodities to the depot holders against the permits issued by the Food and Supply Department and against the pay slip of the banks. Before his posting at Batala, Sh. Harbhajan Singh Inspector was dealing with these times and

remained absent from long time and in his absence, defendant used to operate godown and keys were with him. Both Sh. Harbhajan Singh and defendant Chanchal Singh were reluctant to hand over the charge where upon on 12.07.1984 the committee went to Batala for handing over the charge to Sh. Jagir Singh from Harbhajan Singh. The alleged shortage expressed in the plaint had not been proved on record as the plaintiffs failed to brought on record the original documents, for, the appellant had been acquitted in criminal complaint lodged under Section 409 IPC. The members of the alleged inquiry report have also not appeared in the witness box, therefore, the documents remained un-proved. Though the trial Court had specifically framed issue no.2 with regard to interest but the decree is silent about the same. All the aforementioned facts have not been adverted to by the Courts below, thus, there is gross illegality and perversity in the judgments and decrees under challenge.

I have heard the learned counsel for the appellant-defendant, appraised the judgments and decrees of the Court below and of the view that there is no force and merit in the submissions of Mr. Chaudhary, for, the appellant-defendant admitted his signatures on the documents showing that he had handed over the charge of the godown at Batala and there was shortage of articles as fully detailed. The documents Ex.P-10/A to Ex.PW-10/D had been proved through the testimony of one of the committee members, Amrik Singh Field Officer, PW-10. The inquiry report remained un-challenged. It is not necessary for the Civil Court to lay reliance upon findings given by the Criminal Court as the civil dispute is

always decided on the basis of documentary evidence produced by the respective parties, much less on whom the burden was placed.

The submission of Mr. Chaudhary vis-a-vis charge was never handed over, has remained mystery, for, inquiry report has remained unchallenged.

Before parting with the judgment, I cannot remained unmindful of the specific argument with regard to non-granting of interest on the amount which has been part of the decree, though the issue has been decided in favour of the plaintiffs by the Court below. It is settled law that decree is executable.

As an upshot of my findings, I do not find any illegality and perversity in the judgments and decrees of the Courts below which are based upon the appreciation of oral and documentary evidence, much less no substantial question of law arises for adjudication of the present appeal.

No other argument has been raised.

Accordingly, the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

May 17, 2018
savita

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