

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

**RSA No.3580 of 2017 (O&M)
Date of Order:05.10.2018**

Mohinder Singh Dhillon

..Appellant

Versus

Managing Director & others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mrs. Sushma Chopra, Advocate,
for the appellant.

ANIL KSHETARPAL, J.

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below while dismissing the suit for recovery of Rs.1,86,150/-.

Plaintiff was undisputedly appointed as a broker for purchase of paddy on behalf of defendant i.e. Markfed, a public sector undertaking. Defendants purchased 22390/- bags of paddy each weighing 35 Kgs. He has pleaded that since paddy was not picked/lifted by the rice millers within 72 hours hence, there is shortage of 509 bags.

The Markfed has filed reply and taken stand that 22390/- bags weighing 7835.50 Qtls. has been delivered by the plaintiff and payment thereof has already been released in favour of the plaintiff.

Both the courts after appreciating the evidence have dismissed the suit after recording findings that there cannot be any shortage of 509 bags of paddy due to delay in picking/lifting of the paddy.

Learned counsel for the appellant tried to explain that the paddy

was to be picked/lifted by the Markfed for delivery to the various rice millers within 72 hours of the purchase and once it has not been lifted in time there was shortage.

This court as well as both the courts below have found that shortage of the 509 paddy bags stands unexplained. Due to passage of time there can be a loss of weight due to hot weather. However, the paddy comes into market when there is onset of winters. Still further, the plaintiff has not lead any evidence to prove that the paddy lost weight due to reduction in the moisture to the extent of 509 bags.

In these circumstances, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

October 05, 2018
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No