

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

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**C.M No. 16801-C of 2018 and
C.M Nos. 10855-57-C of 2017 in
R.S.A No. 4181 of 2017 (O&M)
Date of decision: 02.11.2018**

**Punjab State Civil Supplies
Corporation Ltd. & Anr.**

... Appellants

Vs.

M/s Gobind Trading Company & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Deepali Puri, Advocate, for the appellants.

AMIT RAWAL, J. (Oral)

C.M No. 16801-C of 2018

Allowed as prayed for subject to all just exceptions. Order dated 21.05.1999 and bank certificate dated 05.09.2018 are taken on record.

C.M stands disposed of.

C.M No. 10856-C of 2017

For the reasons stated in the application, delay of 47 days in re-filing the appeal is condoned.

C.M stands disposed of.

R.S.A No. 4181 of 2017 (O&M)

Appellant/palintiff having been unsuccessful in a suit for recovery of Rs.12,90,660/- containing the principal amount of Rs.9,49,015/- and element of interest Rs.3,51,645/- @18% w.e.f 05.05.1999 to 04.05.2001. As per the averments in the plaint, the defendant was given an amount by way of cheques of Rs.7,00,105/- and Rs.1,34,636/- dated 26 and 28.04.1999. Having failed to return the amount the cause of action accrued

in the year 2001. Trial Court on the basis of the evidence partly decreed the suit by confining it to Rs.8,55,092/- and Rs.21,035/- on account of gunny bags. Appeal taken before the lower appellate Court which upheld the judgment of the trial Court.

Ms. Deepali Puri, learned counsel appearing for the appellant submits that once the facility of liquidity was provided to the defendant, he was bound to pay the interest as the amount was utilised for commercial purposes even if there was no contract between the parties.

I am afraid that aforesaid argument of learned counsel appearing for the appellant is not sustainable for in the absence of any contract party cannot claim interest for the period for which the amount was due.

No ground for interference subsists in appeal which is accompanied by an application for condonation of delay 383 days, which is not explained in the mode and manner as required to be.

Resultantly, regular second appeal is dismissed on the ground of limitation as well as on merit.

November 02, 2018
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(AMIT RAWAL)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable: No