

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

RSA No. 4883 of 2018 (O&M)
Date of decision : October 08, 2018

The Vice Chancellor, Chaudhary Devi Lal University, Sirsa and others

..... Appellants

v.

Mr. Shanu Jain and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Amrit Pal, Advocate
for the appellants.

Appellant No.4 in person.

Ajay Tewari, J (Oral)

This appeal has been filed against the concurrent judgments of the Courts below holding the appellants negligent (though the lower appellate Court reduced the amount of damages).

The case of the respondents was that they were selected for Inter University Table Tennis Championship 2012-2013 by the appellant-University. They practised hard and first reached the University where its authorities directed them to go to the venue one day prior to the championship. They reached the venue in time but were told that their entry had not been received and appellant No.4 asked them to come on the next day. They went back to their home town by the night train and took an early morning bus on the next day and reached the venue again but the end result

was that they were not allowed to participate because their entry had not been received in time. Hence, the instant suit was filed by the respondents for damages.

The case of the appellants was that the entry was sent but 'some how did not reach'. The trial Court decreed the suit for a sum of ₹ 6 lakhs and in appeal filed by the appellants, damages were reduced to ₹ 1.8 lakh.

Counsel for the appellants has argued that once the appellants had also sent the entry by fax, they could not be held liable for damages. However, he has not been able to explain why the entry was not sent in the time prescribed. Both the Courts below have held that if the entry was actually received in time, then some action should have been taken by the appellant-University to atleast lodge a protest with the host University or taken other action at that very time to prove that the entry was sent in time so that the respondents could participate but no such action was taken by the appellant-University. Sending of late entry is as much bad as not sending the entry altogether. Consequently, finding no merit this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

October 08, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No