

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

RSA No. 6271 of 2017(O&M)

Date of Decision:- 31.10.2018

Punjab Agro Industries Corporation Limited

.....Appellant

V/S

Chanan Lal

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Somesh Gupta, Advocate
for the appellant.

AMIT RAWAL, J. (Oral)

C.M. No. 16373-C of 2017

In view of the averments made in the application, delay of 11 days in filing the appeal is condoned.

Main Case

The plaintiff has not been successful in claiming recovery of an amount of Rs. 7,10,812/- against the defendant on the basis of the enquiry report dated 17.11.2007. Both the courts below have non suited appellant on the ground that the suit was barred by law of limitation. Mr. Somesh Gupta, learned counsel appearing on behalf of the appellant submitted that defendant was served with the charge-sheet in the year 2006 and enquiry officer was appointed in 2007. He submitted report on 17.11.2007 and after complying the procedure of principle of natural justice, suit was filed in December 2010, therefore, cannot be said to be beyond limitation.

I have heard the learned counsel for the appellant and appraised

the paper book and of the view there is no force and merit in the submission as there is no acknowledgment by the defendant to extend the period of limitation. Enquiry report is of dated 17.11.2007. The limitation to file the suit is three years which expired on 16.11.2010. However, admittedly the suit was filed on 24.12.2010, therefore was beyond limitation. Issuance of show cause notice and affording an opportunity would not extend the period of limitation. The argument made by Mr. Somesh Gupta, Advocate, learned counsel for the appellant, is hereby rejected.

No ground for interference. There is no illegality and perversity in the impugned judgments and decrees.

RSA is dismissed.

31 October, 2018

Rajeev/Himanshu

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No