

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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RSA-4781-2019(O&M)

Date of Decision: October 29, 2019

Punjab State Civil Supplies Corporation  
Limited (PUNSUP) and another

.....Appellant

versus

Smt. Veena Sharma

.....Respondent

**CORAM: HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH**

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Present: Mr. R.S. Randhawa, Advocate for  
Mr. Sandeep Sharma, Advocate for the appellant.

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**AUGUSTINE GEORGE MASIH , J. (Oral)**

**CM-13601-C-2019**

This application has been filed for condonation of delay of 07 days in re-filing the appeal.

For the reasons mentioned in the application, which is duly supported by an affidavit of the Clerk of the Advocate, delay of 07 days in re-filing the appeal is condoned.

**CM-13600-C-2019**

This application has been filed for condonation of delay of 70 days in filing the appeal.

For the reasons mentioned in the application, which is duly supported by an affidavit of one Dampreet Walia, General Manager of the appellant, delay of 70 days in filing the appeal is condoned.

RSA-4781-2019

Challenge in this appeal is to the judgment and decree dated 16.02.2018 passed by the Civil Judge (Sr. Division), Ferozepur, whereby the civil suit preferred by the respondent-plaintiff-widow of Ved Parkash Sharma, who was working with the appellant-respondent-Punjab State Civil Supplies Corporation Limited (PUNSUP) was decreed, which on challenge has been upheld by the Additional District Judge, Ferozepur vide judgment and decree dated 06.11.2018.

2. It is contention of the learned counsel for the appellant that the Courts below have not taken into the consideration the fact that in a suit for recovery, which was preferred against Ved Parkash Sharma and one Piare Lal, who were erstwhile employees of the appellant, was decreed by the Courts and therefore, recovery had to be effected from these two employees as per the said decree. The said aspect, without being taken into consideration, has been brushed aside by the Courts below by simply mentioning that the said judgments and decree of the Civil Courts was subject to the outcome of the writ petition, which was preferred by the respondent i.e. **CWP No.8332-1998** titled as **Satwinder Kumar and others Vs. State of Punjab and others**, which writ petition has also been disposed of and has no bearing on the decree, which has been passed in favour of the appellant. He further contends that the appellant-defendant have their own claim for recovery against Ved Parkash Sharma-husband of Smt. Veena Sharma the respondent-plaintiff herein. The recovery has to be effected from the retiral benefits, which have been ordered to be decreed in the civil suit, which have been preferred by the respondent-plaintiff. He, thus, contends that judgments and decrees as passed by the Courts below cannot sustain and deserve to be set aside.

3. I have considered the submissions made by learned counsel for the

appellant and with his assistance have gone through the judgments passed by the Courts below, but do not find myself in agreement with the contention as raised by the learned counsel for the appellant.

4. The aspect with regard to the recovery, which has to be effected from late Sh. Ved Parkash Sharma-husband of the respondent-plaintiff, is not the subject matter of the civil suit, which has been preferred by the respondent-plaintiff. The Courts below have not in the judgments nullified the said judgments and decrees and have left it open keeping in view the fact that **CWP-8332-1998**, which had been preferred by the Ved Parkash Sharma along with others, which was pending in this Court. Since the judgment of this Court in the writ petition is not the part of the record, nothing can be said with regard to the applicability or effect thereof, if any, on the decree passed in favour of the appellant. It is for the concerned Court where such proceedings for execution, if any, preferred by the concerned party is resorted to.

5. The Courts below have rightly taken into consideration the pleadings and evidence lead by the parties while passing the impugned judgments and decree, which are based upon the records and no illegality has been found therein. If there are two separate decrees which have been passed by the Courts below, one with reference to the claim of the appellant-defendant, as has been sought to be projected by learned counsel for the appellant and the other, the present one, in favour of the respondent-plaintiff, it is for the executing Court to take those aspects into consideration. There is nothing in the judgments, which have been passed by the Courts below, which would in any manner violated the judgments and decrees which have been passed in favour of the appellant-defendant. Two independent rights have been claimed by the respective parties in their respective suits for which the Courts

have decide the matter. It is finally for the Court(s) concerned where execution proceedings are preferred by the parties to take a decision keeping in view the said aspect and considering all the facts and circumstances.

6. In the impugned orders, concurrent findings have been returned by both the Courts below which, being in accordance with the pleadings and the evidence brought on record, do not call for any interference by this Court, as there is no misreading or non-consideration of the material available on record nor is there any perversity or illegality in the same.

7. There is no question of law involved in the present case which arises for consideration of this Court.

8. This Court does not find any merit in the same and therefore, the same stands dismissed.

**CM-13604-C-2019**

In the light of the disposal of the main appeal, no order is required to be pass in the present application for stays and the same has been rendered as infructuous.

Disposed of as such.

October 29, 2019

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**[ AUGUSTINE GEORGE MASIH ]**  
**JUDGE**

Whether speaking/reasoned :

Yes

Whether Reportable :

No