

RSA- 4353 of 2019 (O&M)
Date of Decision: 20.9.2019

Market Committee, Bhawanigarh

---Appellant

versus

M/s Karan Traders and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. S.P.Garg, Advocate
for the appellant**

Rekha Mittal, J.

Challenge in the present appeal has been directed against concurrent findings recorded by the courts whereby suit for recovery of Rs. 1,58,592/- i.e. principal amount Rs. 1,21,592/- along with interest @ 12% per annum upto the date of filing of suit was dismissed by the trial court vide judgment and decree dated 1.5.2018 that came to be affirmed in appeal by the Additional District Judge, Sangrur vide judgment and decree dated 11.4.2019.

Counsel for the appellant has fairly conceded that the precise controversy involved in the present appeal is, whether seller of product to the respondents-defendants had already paid market fee at Sunam, in view of document Ex. PX produced on record. It is argued that plea of the appellant is that under column No. 6 of the said document, the words are '*nahi hai*' but the courts have interpreted these words as '*sahi hai*'.

Admittedly, the appellant for the reasons best known, did not

examine a witness of Market Committee, Sunam in order to prove that market fee detailed under column No. 4 of document Ex. PX has not been paid by the seller to Market Committee, Sunam. Column No. 6 of the document deals with verification of column Nos. 1 to 5 of the said document. The word '*sahi*' in Punjabi is also mentioned above the words 'Secretary Market Committee, Sunam'. When the word '*sahi*' under column No. 6 is compared with the word '*sahi*' used for signatures of Secretary, Market Committee, Sunam, it is difficult to accept contention of the appellant that under column No. 6, the word used is '*nahi*' in place of '*sahi*'. In this view of the matter, I do not find an error much less perversity in consistent findings recorded by the courts, warranting intervention.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay is of academic relevance.

(Rekha Mittal)
Judge

20.9.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No