

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

RSA No.4571 of 2016 (O&M)
Date of Decision.24.01.2019

Punjab State Warehousing Corporation ...Appellant

$$V_S$$

Ram Singh and another ...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. S.S. Bedi, Advocate
for the appellant.

AMIT RAWAL J. (ORAL)

The short point involved in the present case is whether suit for recovery of Rs.37,32,724.70 along with interest @11.30% alleging cause of action on the basis of the enquiry report of 1995 could be said to be within limitation, the answer is 'no', as the suit was filed in the year 2004. There was also no acknowledgment of debt. A simpliciter suit of recovery on the basis of the enquiry report does not amount to discharging onus as per Section 101 of the Indian Evidence Act.

In view of such circumstances, I do not find any illegality and perversity in the concurrent finding of fact rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

January 24, 2019
Pankaj*

Whether Reasoned/Speaking Yes/No

Whether Reportable	Yes/No
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