

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

**RSA No.6293 of 2016 (O&M)
Date of Decision.05.03.2019**

Confed and another

...Appellants

Vs

Food Grains Dealer Association and another

.Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sumit Jain, Advocate
for the appellants.

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AMIT RAWAL J. (ORAL)

The appellants-defendants have not been successful in defending the suit for recovery of ₹53,113/- filed on behalf of the respondent-plaintiff on account of shortfall. The plaintiff in support of the aforementioned evidence placed on record alleged shortage, which was not denied by the defendants. The terms and conditions of the agreement arrived at between the parties acknowledged indemnification by the defendants qua shortage. All these factors weighed in the mind of the Courts below while rendering the concurrent finding.

The appeal is also accompanied by an application seeking condonation of delay of 141 days on the premise that legal opinion was sought regarding filing of the appeal before this Court and in the process delay of aforementioned days occurred.

The explanation given is not a reasonable and justifiable ground for condoning the delay in filing the appeal, in view of the ratio decidendi culled out by Hon'ble Supreme Court in **Office of the**

Chief Post Master General and others Vs. Living Media India Ltd.
and another 2012 (2) SCT 269.

In view of such circumstances, I do not find any illegality and perversity in the concurrent finding of fact and law 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 appeal is dismissed both on the ground of delay as well as on merit.

(AMIT RAWAL)
JUDGE

March 05, 2019

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No