

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

**RSA-127-2013(O&M)
Date of decision: 05.03.2020**

Punjab State Civil Supplies Corporation and another

.....Appellants

Versus

M/s Farmer Friends and Company

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.S.S.Brar, Advocate for the appellants

Mr. S.S.Bhinder, Advocate for the respondent

ANIL KSHETARPAL, J. (ORAL)

The defendants-appellants have filed the present Regular Second Appeal against concurrent finding of facts arrived at by the Courts below while decreeing the suit filed by the plaintiff for recovery of arrears of rent from the defendants-appellants towards rent of the godowns taken on lease by them.

Both the Courts on appreciation of evidence as also admission of Bhan Chand, an official of the Corporation, who appeared on behalf of defendants admitting that Rs.3,97,065/- is payable to the plaintiff towards arrears of rent, have decreed the suit.

This Court has heard learned counsel for the parties at length and with their able assistance gone through the judgments passed by the Courts below.

Learned counsel for the appellants has submitted that the premises were vacated on 31.7.2002 whereas the present suit was filed

on 30.7.2005. He submits that only rent for one month could be recovered.

Learned First Appellate Court has examined the aforesaid issue and found that since defendants-appellants failed to show the details of the rent paid so as to see which part of the rent is time barred, hence, held that the suit filed by the plaintiff cannot be dismissed on this ground.

This Court has once again called upon the counsel for the appellants to prove how the suit filed by the plaintiff was barred by time. He merely contended that since the suit is being filed almost at the fag end therefore, the rent only for one month can be recovered. In the considered view of this Court, the period of limitation would depend upon the date on which remaining arrears of rent were paid. In absence thereof, it would not be appropriate for the Court to record a finding that the suit filed by the plaintiff is barred by limitation merely on the basis of presumption. Hence, no ground to interfere is made out.

Dismissed.

05.03.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No