

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103)

CM Nos.6253to56-C of 2022 in/and
RSA No. 1830 of 2022(O&M)
Date of Decision : 22.03.2023

Punjab State Civil Supplies Corporation Ltd.(PUNSUP) and another

...Appellants

Versus

Karamjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harpreet Singh Gharuan, Advocate for the appellants.

Harsimran Singh Sethi J. (Oral)

CM No.6255-C of 2022

The present application has been filed for condonation of delay of 80 days in filing the present appeal.

For the reasons mentioned in the application, which is also supported by an affidavit, the same is allowed. Delay of 80 days in filing the present appeal is condoned.

Application stands disposed of.

CM No.6253-C of 2022

Application is allowed as prayed for.

CM No.6254-C of 2022

The present application has been filed for condonation of delay of 66 days in refiling the present appeal.

For the reasons mentioned in the application, which is also supported by an affidavit, the same is allowed. Delay of 66 days in refiling the present appeal is condoned.

Application stands disposed of.

**RSA No.1830 of 2022 and
CM No.6256-C of 2022**

In the present Regular Second Appeal, the challenge is to the judgment and decree of the Courts below by which, not only the suit filed by the appellants-plaintiffs was dismissed by the trial Court but even the appeal preferred against the judgment and decree of the trial Court dated 30.07.2015 has been dismissed vide order dated 27.09.2019. The concurrent findings of fact have been recorded by the Courts below in order to dismiss the suit as well as the appeal filed by the appellants-plaintiffs.

Learned counsel for the appellants argues that the evidence, which has come on record, has not been appreciated in a manner required by the Courts below so as to record the findings against the appellants-plaintiffs. Hence, this Court should intervene to reappraise the facts and evidence to hold that the suit filed by the appellants-plaintiffs seeking recovery on account of loss caused by the respondents, be allowed.

It is a settled principle of law that the jurisdiction of this Court in Regular Second Appeal, especially where there is a concurrent finding of fact is only in case there is perversity in the findings recorded by the Courts below keeping in view the facts and evidence, which has come on record. As per the settled principles of law, the Court cannot reappraise the facts and evidence in order to record the findings other than the one recorded by the Courts below.

The jurisdiction of this Court can only be invoked in case, the perversity in the findings recorded by the Courts below are brought to the notice of the Court. The perversity could be either the wrong facts are noted or the evidence on record has been ignored to record a finding. In the present case, no perversity in the findings recorded by the Courts below has been pointed out rather, the argument raised by learned counsel for the appellants is that the evidence as well as the facts, which have come on record should have been interpreted in a manner as being projected by the appellants. The said argument cannot be accepted especially when no perversity in the judgment and decree of the Courts below have been pointed out.

Once, the Court has come to the conclusion that the shortage in the stock under the supervision of the respondent was only due to the long storage of the wheat stock due to which the said wheat stock deteriorated as the said stock was stored in the open area, has not been controverted, no interference is called for by this Court as no evidence is on record to establish that respondents were at fault.

That being so, no interference is called for by this Court in this Regular Second Appeal.

Dismissed.

March 22, 2023

jt

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No