

2023:PHHC:116361
103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-79-1992 (O&M)
Date of decision: 05.09.2023

Haryana Land Reclamation and Development Corporation Limited

..Appellant

Versus

Mahender Singh

.Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. K.S.Malik, Advocate for the appellant

Mr. R.A.Sheoran, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

1. This is the plaintiff's second appeal against the concurrent findings of fact arrived at by the courts below, while dismissing its suit for recovery of Rs.8250.13. The appellant alleged that the respondent, who was employed as a Tractor Driver, collected certain amount from the farmers and also embezzled diesel to the extent of Rs.8250/-.

2. The defendant, while contesting the suit, asserted that he has not collected any amount from the farmers and has also not misappropriated the diesel fuel.

3. A criminal case was also registered against the respondent.

4. Both the courts, on appreciation of evidence, have concurrently found that embezzlement came to the knowledge of the appellant on 02.02.1982 whereas the suit was filed on 15.10.1985 which was instituted after expiry of the period of 3 years, from the date of knowledge.

5. Learned counsel representing the appellant contends that the suit shall be governed by Article 3 of the Schedule attached to the Limitation Act, 1963 and therefore, the same is filed within the limitation period.
6. On a careful perusal of the Article 3 of the Limitation Act, 1963, it is evident that the same is applicable when a Principal wants to file a suit against his agent for movable property. Admittedly, the respondent was employed as a Driver by the appellant-Corporation. Hence, the respondent was not the agent of the appellant in that sense. Moreover, this argument was never raised before the courts below.
7. Hence, no ground to interfere is made out.
8. Dismissed.
9. All the pending miscellaneous applications, if any, are also disposed of.

05.09.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE