

2023:PHHC:109732

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

RSA-535-2023 (O&M)

Date of decision: 22.08.2023

Kanwar Pal Singh

..Appellant

Versus

The Saraswati Sugar Syndicate Ltd.

.Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. R.S.Mamli, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

The correctness of the concurrent findings of fact arrived at by the courts below is assailed by the plaintiffs in this Regular Second Appeal. He filed a suit for grant of mandatory injunction directing the respondents to give details of account no. HR/50/3882 for the period 01.04.2008 to 30.11.2013 and a certified copy of the confirmation order dated 17.02.1990. The defendant, while contesting the suit, claimed that the appellant was engaged on a contract basis but he misappropriated the certain amount, which resulted in the termination of his services and the amount of provident fund i.e Rs.2,87,332/- has already been released to the appellant. With regard to the confirmation order, the defendant took a positive stand that he was never confirmed. Hence, in reality, there is no confirmation order. Both the courts, on appreciation of evidence, have found that details of the provident fund are with the Provident Fund Trust, which has not been impleaded as a party. With regard to the other document, the respondent denied the existence thereof. Hence, no ground to interfere with the concurrent findings of fact is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also
disposed of.

22.08.2023
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No