

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

RSA No. 2239 of 2022 (O&M)

Date of decision: 09.02.2023

M/s Kamlax Polytex Pvt. Ltd.

..... Appellant.

Versus

M/s Giriraj Polymers

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Abhimanyu Singh, Advocate, for the appellant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The appellant has challenged the judgments and decrees of the Courts below whereby the suit of the respondent/plaintiff has been decreed.

Learned counsel for the appellant/defendant submits that there was no cogent evidence with regard to outstanding amount of ₹84,224/-, which was sought to be recovered through the suit. The payment for the material, which had been supplied by the respondent/plaintiff, had been duly made except an amount of ₹7,112/-, which could not be paid, as the goods, which had been supplied, were found to be of sub-standard quality.

Heard.

The respondent/plaintiff had filed the suit for recovery of ₹84,224/- along with interest. The delivery of 2,000 kilogram super white filler through bills dated 23.03.2017 (Ex. P1) and 27.05.2017 (Ex. P2) had been duly proved on record. Besides these invoices/bills (Ex. P1 and Ex. P2), the sale tax returns of the respondent/plaintiff (Ex. P6 and Ex. P7) have also

been proved wherein these bills are duly recorded for supply of goods to the appellant/defendant on 23.03.2017 and 27.05.2017. There is no specific denial in the written statement to the delivery of 2,000 kilogram of super white filler sent by the respondent/plaintiff. The material had, thus, been supplied to the appellant/defendant, but the payment had not been made. Nothing has been brought on record by the appellant/defendant to suggest that aforementioned documents have either been manipulated or forged. Therefore, I do not find any infirmity in the judgments and decrees passed by the Courts below.

Consequently, the appeal stands dismissed.

Pending application(s), if any, shall also stand disposed of.

09.02.2023
Ramesh

(ANUPINDER SINGH GREWAL)
JUDGE

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