

In the High Court of Punjab and Haryana, at Chandigarh**Regular Second Appeal No. 47 of 2018 (O&M)****Date of Decision: 10.10.2023**

Punjab State Warehousing Corporation

... Appellant(s)

Versus

Mohan Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Karan Singla, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The Regular Second Appeal in the States of Punjab, Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in *Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157*.

2. The correctness of the concurrent findings of facts, arrived at by both the Courts below, is assailed in this second appeal filed by the plaintiff.

3. The plaintiff's suit for the recovery of ₹37,22,875/- against its own employees has been dismissed by both the Courts below. It has been found that the suit filed by the plaintiff was time barred as it was not filed within a period of three years from the date the cause of action arose i.e. the alleged loss came to the notice of the appellant-Corporation. It has also come on the record that the plaintiff has miserably failed to examine the

primary witnesses whose testimony would have been beneficial in proving the

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case. Rather, the trial Court has recorded a finding that the plaintiff has failed to prove that the defendants were posted at the godown/warehouse during the period 1997-98 or they were associated with the work of reconciliation of the paddy stock at any point of time.

4. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent findings of facts arrived at by both the Courts below. Hence, the present appeal is dismissed.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

October 10, 2023**“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No