

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.207 of 1994 (O&M)

Date of Order:02.04.2024

Punjab State Civil Supply Corporation, Chandigarh

.Appellant

Versus

Sat Pal Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.S.Randhawa, Advocate
for the appellant.

None for the respondent.

ANIL KSHETARPAL, J

1. In this regular second appeal, the plaintiff assails the correctness of the concurrent findings of fact arrived at by the courts below while dismissing its suit for recovery of Rs.2,47,500.29 paise, which is alleged to be recoverable from the respondent (defendant) on account of alleged embezzlement of cloth, sugar etc.

2. The plaintiff filed the suit alleging that misappropriation came to its notice in the audit inspection. Thereafter, a notice for recovery was issued against the defendant and then the suit was filed.

3. The defendant while contesting the suit claimed that the property in question was never entrusted to him and there were two inspectors, namely, Smt. Ram Patti and Sh. Manohar Lal Viridi, who were acting as Incharge, whereas, the defendant was working as sub-inspector.

4. Upon appreciation of the evidence, both the courts have come to a conclusion that the plaintiff has failed to prove entrustment of the property to the defendant and no evidence has been led by the plaintiff except audit

report.

5. It is important to note that the defendant (respondent herein) has died.

6. This Bench has heard the learned counsel representing the appellant at length and with his able assistance perused the paper book along with the requisitioned record of the courts below.

7. Though, the learned counsel representing the appellant made sincere attempt, however, failed to draw the attention of the court to any substantive misreading or non-reading of evidence by the courts below. It is evident that the plaintiff failed to substantiate that the defendant had embezzled cloth and sugar etc. worth Rs.2,47,500.29 paise. The deposition of PW3-Sh. Kuldeep Singh, Public Distribution Clerk is damaging to the plaintiff's case as he has stated that except for shortage of cloth in May, 1985, there is no shortage. In the record produced, it is not proved that Sh. Sat Pal Singh, respondent, was Incharge of the Qadian Centre where the alleged shortage took place. There is also no evidence to show that any step was taken against Smt. Ram Patti and Sh. Manohar Lal Viridi, who were working as Inspectors and Incharge of the Centre during the relevant period.

8. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

9. Dismissed.

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

April 02, 2024
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO