

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

(239)

RSA-2324-1997 (O&M)

Date of Decision : January 20, 2024

Food Corporation of India and others**.. Appellants****Versus****Naresh Chand****.. Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Ish Puneet Singh, Advocate, for the appellants.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present appeal, the challenge is to the judgment and decree of the Courts below by which, the suit filed by the respondent-plaintiff was decreed and the imposition of punishment was set aside, which judgment and decree of the trial Court dated 10.08.1995 was upheld by the lower Appellate Court vide judgment and decree dated 14.12.1996.

2. Learned counsel for the appellant argues that no appeal was filed against the order of punishment and straightaway a civil suit was filed, which suit should not have been entertained by the Courts below.

3. The said argument cannot be accepted. Though the ideal situation would have been that appeal should have been preferred against the order of punishment but once, the civil suit has been filed and the same has been entertained and on the basis of the evidence which has already come on record, it has already been found that the punishment imposed

upon the respondent-plaintiff was not in a legal manner merely that the appeal was not preferred against the punishment imposed before filing of the civil suit, the detailed judgments and decree of the Courts below cannot be set aside on the said ground alone.

4. As no perversity in the judgment and decree of the Courts below has been pointed out by the learned counsel for the appellant while arguing the appeal, no ground is made out for any interference by this Court.

5. No other argument was no raised.

6. Dismissed.

7. Any civil miscellaneous application pending if any, also stands disposed of.

January 20, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No