

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105

RSA-6006-2019 (O&M)
Decided on :31.01.2024

PUNJAB STATE WAREHOUSING CORPORATIONPetitioner

Versus

RATTAN CHAND . . . Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Sumit Jain, Advocate for the appellant.

HARSIMRAN SINGH SETHI , J. (Oral)

In the present regular second appeal, the challenge is to the judgments and decrees passed by the Courts below by which, the suit filed by the appellant for the recovery of the amount on the basis of the punishment order dated 24.10.2007 annexed as Annexure P-4 passed by the authorities concerned has been dismissed being not maintainable keeping in view the limitation prescribed for filing such kind of suit.

Learned counsel for the appellant concedes the factum that the suit was filed on the basis of the punishment order dated 24.10.2007 (Annexure P-4) where the recovery was imposed upon the respondent-defendant but submits that as the respondent-defendant retired in the year 2010, the limitation is to be taken from the date of his retirement and not from the date when the order of punishment seeking recovery was passed.

It may be noticed that the claim of the appellant-plaintiff arose on the date when the order of awarding punishment of recovery was passed against the respondent in the year 2009. The date of retirement is irrelevant.

Once, the cause of action accrued in favour of the appellant-plaintiff, the limitation for filing the recovery suit is to be seen from the date when the cause of action accrued in actual and the said cause of action was the order dated 24.10.2007 wherein, the recovery of Rs. 8,11,095/- was directed to be effected from the respondent-defendant.

Once the basis of filing of the suit is order dated 24.10.2007, the limitation is to be seen from the said date hence, there is no infirmity in the judgments and decrees passed by the Courts below treating the suit beyond the limitation.

Even otherwise, no perversity could be pointed out by the learned counsel for the appellant in the judgments and decrees passed by the Courts below so as to invite any interference by this Court in the present regular second appeal.

Keeping in view the facts and circumstances of the present case recorded herein above, no ground is made out for interference in the present regular second appeal, hence the present regular second appeal stands **dismissed.**

Pending miscellaneous application, if any, shall also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

31.01.2024

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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*