

2024:PHHC:006268

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

RSA-4476-2018 (O&M)
Date of decision: 18.01.2024

Malwinder Singh @ Happy and others

....Appellants

Versus

M/s Mehar Singh Avtar Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Arun Jindal, Advocate for the appellants

ANIL KSHETARPAL, J (Oral)

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 their suit for rendition of account and for the recovery of amount. The appellants herein claim to be farmers. They allege that their predecessor Sh.Wazir Singh was selling their produce from the agricultural land through defendant no.1- the Commission Agent Firm and they have not been paid the entire amount. The defendants, while contesting the suit, claim that Sh.Avtar Singh used to deal with Sh. Wazir Singh and the suit has been filed by Sh.Avtar Singh, who was previously the partner in the firm. Both the courts found that the plaintiffs claim recovery of the amount with respect to the crop which matured, was harvested and sold in the year 2003, whereas the suit was filed in the year 2007.

Thus, the courts have held that the suit, as filed by the plaintiff, was beyond the prescribed time of limitation.

2. Learned counsel representing the appellant, though made sincere attempt, however, failed to draw the attention of the Court to any misreading or non-reading of evidence or any perversity in the judgments passed by the courts below.

3 Keeping in view the aforesaid facts, no ground to interfere is made out.

4. Hence, dismissed.

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

18.01.2024
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No