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

RSA-2508-2022 (O&M)

Date of decision: 31.07.2025

**PUNJAB STATE CIVIL SUPPLIES CORPORATION LIMITED AND
ANOTHER**

..Appellants

Versus

PARKASH SINGH (DECEASED) THROUGH LRS. AND OTHERS

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Deepali Puri, Advocate
for the appellants.

SUDEEPTI SHARMA, J. (Oral)

CM-8603-C-2022 & CM-8602-C-2022

1. These are the applications filed under Section 5 of the Limitation Act, 1963, for condonation of delay in refiling as well as filing the appeal.

2. For the reasons mentioned in the applications for condonation of delay which are supported by the affidavit, the applications are allowed.

3. The delay of 191 days in refiling and 1 day in filing the appeal, respectively, is condoned.

Main case

4. The present appeal is preferred against judgment and decree dated 22.05.2017 passed by Civil Judge (Junior Division), Faridkot, whereby, the suit for recovery of Rs.47,81,667/- along with interest at the rate of 15% per annum from the date of suit till realization was dismissed and judgment and decree dated 16.09.2019, whereby, appeal filed against



judgment and decree dated 22.05.2017 was dismissed by District Judge, Faridkot.

BRIEF FACTS OF THE CASE

5. Brief facts of the case are that the appellant-Corporation is engaged in activities of purchase of wheat under the Price Support Scheme, its storage, maintenance of health of stocks and delivery of same to Food Corporation of India for Central pool. The respondents joined services of the appellant and were to take care of stocks. The appellant due to shortage in stocks suffered loss and held respondents liable for the same by stating that they failed to take care of the wheat crop in their possession and due to their act of omission and commission, the quality of wheat crop was deteriorated and Food Corporation of India imposed quality cut due to bad quality of wheat, which was delivered to Food Corporation of India by respondents during the wheat special of crop year 1995-1996 for which the appellant had to bear heavy loss. Therefore, the appellant filed suit for recovery of Rs.47,81,667/- along with interest at the rate of 15% per annum from the date of suit till its realization, which was dismissed by learned Civil Judge (Junior Division), Faridkot vide its judgment and decree dated 22.05.2017. The appeal filed by the appellant against the judgment and decree dated 22.05.2017 was dismissed vide judgment and decree dated 16.09.2019 by District Judge, Faridkot. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE APPELLANTS:

6. Learned counsel for the appellants contends that both the Courts failed to appreciate the fact that liability of respondents was fully proved on record and still dismissed the civil suit filed by the appellant as well as appeal filed by the appellant.



7. I have heard learned counsel for the appellants and have perused the case file with her able assistance.

8. A perusal of the record shows that no such official was examined to prove that the respondents committed any act of negligence while taking care of the wheat in their custody. Avinash Kumar Goyal, Sr. Assistant Accounts, PUNSUP, Faridkot was examined as PW-1, in his cross-examination he did not name any of the respondents and stated that he did not see the godowns where the said wheat was kept and cannot say whether the wheat was kept in open or covered godown. He further stated that he never conducted any physical verification at the spot. He further submits that movement of wheat is made on the instructions of FCI and the field staff cannot dispose of wheat at their own. He further stated that he cannot say whether any loss was caused to wheat due to any natural reason. He admitted that in the year 1993-94, he has shown loss of wheat crop weighing 1248.52 kg but he did not weigh the wheat at the spot. Overall perusal of the statement made by PW-1 shows that he had no knowledge of the entire facts of the case or the loss of wheat. Ram Chander, Sr. Assistant Officer, PUNSUP, Faridkot, was examined as PW-2 who again was having no knowledge about the liability of the respondents. Jasvir Chand, Auditor, PUNSUP, Moga, was examined as PW-3. Even he could not prove that respondents were liable for the loss caused to the appellants or they were negligent with respect to taking care of the wheat in question. Swaranjit Singh, Sr. Assistant, PUNSUP, Faridkot, was examined as PW-4. He did not appear for cross-examination.

9. None of the witnesses examined by the appellants could prove the negligence on the part of respondents and that they are responsible for



loss of wheat. No physical verification was conducted to prove the negligence on the part of respondents.

10. The loss caused to the appellants is for the period 1994-95 and 1995-96, whereas, the suit for recovery is filed in the year 2007 i.e. after 10 to 12 years. And as per statement of PW-3 in his cross-examination, the physical verification of the stock was conducted twice in a year regarding the condition and weight of the stock, therefore, the appellants could not say that it was not in their knowledge in the year 1995-96 itself and there is no reasoning as to why the suit for recovery was not filed at that point of time. Therefore, the suit filed by the appellants was highly belated. As per the Limitation Act, 1963, the prescribed period for filing suit for recovery is three years from the date when the amount becomes due but the civil suit was not filed within the said period. Hence, civil suit was barred by limitation.

DECISION:

11. In view of the above, I do not find any infirmity or illegality in the judgment and decree dated 22.05.2017, passed by Civil Judge, Junior Division, Faridkot and judgment and decree dated 16.09.2019, and the same are hereby upheld.

12. Consequently, the present appeal is hereby **dismissed**. Parties are left to bear their own costs.

13. Decree sheet be drawn.

July 31st, 2025

Ayub

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

(SUDEEPTI SHARMA)
JUDGE