



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

CR-5924-2015 (O&M)

Date of decision : 29.01.2025

**Punjab State Civil Supplies
Corporation Ltd.(PUNSUP)**

...Petitioner

Vs.

**M/s Garg Rice Traders, Gidderbaha
and another**

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. T.S. Sidhu, Advocate
for the petitioner.

Mr. Anil Bansal, DAG, Punjab.

Mr. Parvez Chugh, Advocate
Mr. Himanshu Setia, Advocate
for the respondents.

ANIL KSHETARPAL, J. (Oral)

1. Punjab State Civil Supplies Corporation Limited (PUNSUP) assails the correctness of First Appellate Court's order disposing of the appeal on the basis of unilateral statement of partner of respondent-Firm.

2. PUNSUP filed a suit for recovery of Rs.8,46,391/- as principal and interest @ 21% per annum from 28.02.2009 till actual recovery on the basis of Managing Director's order passed on 11.06.2009, which was decreed on 25.02.2014. The defendants (respondents herein) filed an appeal on 01.04.2015. Defendant No.2 made a statement that he is prepared to pay the principal amount alongwith 12% interest. The Court on the basis of an order passed in FAO-637-2013 decided on 16.09.2013, disposed of the appeal. It is



not recorded by the First Appellate Court that the plaintiff in the first appeal had accepted the offer made by the defendant. The manner in which the first appeal has been disposed of is surprising. The First Appellate Court is required to decide the appeal upon re-appreciation of evidence. In this case, the respondent does not even allege that there was settlement between the parties.

3. Consequently, the revision petition is allowed. The order passed on 01.4.2015 is set aside. The appeal filed by the respondent is restored to its original number. The First Appellate Court is directed to decide the appeal within next three months.

4. The parties through their counsel are directed to appear before the First Appellate Court on 28.02.2025.

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

29.01.2025
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(ANIL KSHETARPAL)
JUDGE

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