

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-811-2026 (O&M)

HARYANA STATE WAREHOUSING CORPORATION AND ANR

..Appellants

Versus

GURDIAL SINGH AND ANR.

..Respondents

Reserved on: 06.03.2026

Pronounced on : 10.03.2026

Uploaded on : 11.03.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Sharad Aggarwal, Advocate
for the appellants.

SUDEEPTI SHARMA, J.**CM-2978-C-2026`**

1. This is an application filed under Section 5 of the Limitation Act, 1963 read with Section 151 of the Code of Civil Procedure, 1908 for condonation of delay of 177 days in filing the appeal.

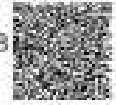
2. For the reasons mentioned in the application for condonation of delay which is supported by an affidavit, the application is allowed.

3. The delay of 177 days in filing the appeal is condoned.

RSA-811-2026

1. The present regular second appeal is preferred against judgment and decree dated 20.11.2019, passed by learned Civil Judge (Junior Division), Shahabad, whereby, the civil suit filed by the respondents was

decreed in their favour and judgment and decree dated 13.05.2025 passed by



learned District Judge, Kurukshetra, whereby appeal filed by the appellants against judgment and decree dated 20.11.2019 was dismissed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that respondent No.1 joined the services of appellant-Corporation on 30.04.1986 as Godown Keeper at Shahabad. Respondent No.2 joined the services of appellant-Corporation on 19.09.2005 as Godown Keeper. The appellants issued chargesheet under Rule 8 of Haryana Civil Services Rules, 1987 dated 25.01.2017 against respondent No.1 and respondent No.2. Respondent No.1 submitted reply to the same on 15.02.2017 and respondent No.2 submitted reply on 24.04.2017. In the said chargesheet, it has been stated that FCI had already deducted the amount of Rs.7,23,052/- from the rice millers on account of moisture from 14% to 15%. And deducted the amount of Rs.3,87,902/- from the appellant-Haryana State Warehousing Corporation. Vide impugned order dated 19.12.2017, recovery of Rs.3,87,902/- was imposed upon respondents in equal shares. Both the respondents filed civil suit for setting aside order dated 19.12.2017 before learned Civil Judge (Junior Division), Shahabad, who vide its judgment and decree dated 20.11.2019 decreed the civil suit filed by them and set aside order dated 19.12.2017 and the appellants were directed to refund the entire amount recovered from the respondents with interest at the rate of 9% per annum from the date of filing of the civil suit till the payment to the respondents. The appellants filed appeal against the same. Learned District Judge, Kurukshetra vide its judgment and decree dated 13.05.2025 dismissed the appeal filed by the appellants. Hence, the present Regular Second Appeal.

**SUBMISSIONS OF LEARNED COUNSEL FOR THE APPELLANTS:-**

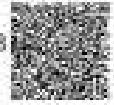
3. Learned counsel for the appellants contends that judgments and decrees passed by both the Courts are against law, facts and evidence on record, therefore, liable to be set aside.

4. He further contends that learned First Appellate Court did not appreciate the settled principle of law as well as material evidence placed on record by the appellants while dismissing the appeal filed by them. He, therefore, prays that the present appeal be allowed.

5. I have heard learned counsel for the appellants and have perused the whole record of the case with his able assistance.

6. A perusal of the file shows that Rajinder Kumar, Incharge, H.W.C. was examined as DW-1, who admitted in his cross-examination that there were no allegations of theft or misappropriation of stock against the respondents and in fact the recovery order was passed against the respondents as per the norms regarding storage loss. He further admitted in his cross-examination that the said storage loss is caused due to moisture in air. Only one witness was examined by the appellants, who admitted in his cross-examination that storage loss occurred due to natural reasons and there was no case of theft or misappropriation of stock against the respondents.

7. Further perusal of order dated 19.12.2017 (Ex.P-4) vide which the respondents were held liable for storage loss by Managing Director shows that it is a non-speaking order and no reasoning is given in the same to conclude that respondents are liable for the storage loss. There is nothing to show in the impugned order that there is any negligence, theft or misappropriation by the respondents because of which the storage loss was caused. The respondents placed on record rules regarding the conditions for



storage of HSWC as Ex.P-6 and a perusal of the same shows that Manager is not responsible for the usual and customary shrinkage in weight and effect on quality during storage due to natural causes. There is nothing on record to show that respondents were responsible for storage loss or they did not discharge their duties properly or satisfactorily. Further, no allegation regarding theft or misappropriation of stock is there against the respondents. And as per the evidence, oral as well as documentary, the storage loss occurred due to natural reasons.

DECISION

8. In view of the above, I do not find any infirmity and illegality in judgment and decree dated 20.11.2019, passed by learned Civil Judge (Junior Division), Shahabad and judgment and decree dated 13.05.2025 passed by learned District Judge, Kurukshetra, the same are hereby affirmed.

9. Accordingly, the present appeal is **dismissed**. Parties are left to bear their own costs.

10. Decree sheet be drawn.

10.03.2026

Ayub/Sahil

**(SUDEEPTI SHARMA)
JUDGE**

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