



RSA-3053-2024 (O&M)

[130] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3053-2024 (O&M)
Date of Decision :03.03.2025

M/s Panchwati Nutrients Village
Kishanpur, Saharanpur Road, Roorkee,
District Haridwar, Uttrakhand ...Appellant

versus

M/s SGV Foils Private Limited, Village
Seekri, TeshilBallabgarh, District
FaridabadRespondent

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Rahul Bhargava, Advocate
for the appellant.

PANKAJ JAIN, J. (ORAL)

CM-12529-C-2024

This is an application seeking condonation of delay of 41 days in filing the present appeal.

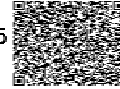
For the reasons recorded in the application, this Court is satisfied that the appellant has shown sufficient cause to condone the delay in filing the appeal.

Application is **allowed**. Delay of 41 days in filing the appeal is condoned.

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[1] Defendant is in appeal.

[2] Plaintiff filed a suit for recovery of an amount of Rs.2,72,517/-,
the principal amount along with interest @ Rs.1,40,000/-.



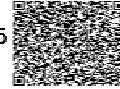
[3] As per the plaintiff, plaintiff-Company is manufacturer of Aluminum Foil Lids for PS, PP Cups, HDPE, Pet Jars and other kinds of flexible packaging material. As per the plaintiff, material was sold to the defendant-Company on credit basis. A sum of Rs.2,72,517/- is outstanding against the defendant-Company in the books of account of the plaintiff-Company. Further interest amount of Rs.1,40,000/- on the said interest amount calculated @ 24% per annum has become due for the period commencing from 01.07.2015 till 30.06.2017.

[4] The suit was contested by the defendant.

[5] Supply of the material was not denied. However, plea was raised that the material supplied by the plaintiff was defected. Plaintiff was informed by the defendant vide letter/e-mail dated 29.04.2015. They were requested to take back the defective material and to pay the damages cost to the defendant.

[6] Suit filed by the plaintiff was put to trial framing following issues:-

- “1. Whether the plaintiff is entitled to recover Rs.2,72,517/- only as a principal amount as well as Rs. 1,40,000/- as an interest amount w.e.f. 1.7.15 to 30.6.17 @ of 24% per annum as prayed for?OPP
2. Whether the suit of the plaintiff has no locus standi to file the present suit?OPD
3. Whether the suit of the plaintiff is not maintainable in the present form?OPD
4. Whether the plaintiff has not come to the court with clean hands?OPD
5. Whether the suit of the plaintiff is time barred?OPD
6. Whether the plaintiff has no jurisdiction to entertain the present suit?OPD
7. Whether the plaintiff is estopped to file the present suit?OPD



8. *Whether the suit of the plaintiff is not property valued for the purpose of court fees?OPD*
9. *Relief. ”*

[7] While deciding Issue No.1, Court of the first instance held that the supply of the material being not disputed and no remedy having been availed by the defendant *qua* the issue of quality of the material supplied, plaintiff was entitled to recover sum of Rs.2,72,517/- i.e. the price of the material. Court further held plaintiff entitled to interest @ 6% per annum.

[8] The aforesaid findings recorded by the Court of the first instance stands affirmed by the Lower Appellate Court.

[9] Counsel for the appellant while assailing the impugned judgment and decree passed by the Courts below submits that the Courts below erred in totally ignoring the defence raised by the defendant with respect to issue regarding the quality of the material supplied by the plaintiff. It has been contended that once the defendant successfully proved that the parties were in communication regarding quality of the material supplied, the Courts below ought to have taken the defence of the appellant-defendant in consideration and dismissed the suit filed by the plaintiff.

[10] I have heard counsel for the appellant and have carefully gone through records of the case.

[11] On being asked as to what was the nature of the defect in the material supplied, counsel for the appellant is totally at sea. He has not been able to point out defect in the material even today. So is the pleading raised in the written statement and the evidence adduced by the defendant. Apart from bald statement that the material supplied is defective, defendant has neither elaborated the defect nor has taken any steps to approach any



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fora *qua* his grievance.

[12] In view thereof, this Court finds that the Courts below rightly decreed the suit filed by the plaintiff for the principal amount and held plaintiff entitled to interest only @ 6% per annum.

[13] Finding no merits in the present appeal, the same is ordered to be **dismissed**.

[14] All pending miscellaneous application(s), if any, stands *disposed off*.

(PANKAJ JAIN)
JUDGE

03.03.2025

'R. Sharma'

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