



RSA-148-2022 (O&M)

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

RSA-148-2022 (O&M)

Date of decision:02.09.2026

Sukhwinder Singh

....Appellant

Versus

Boota Singh

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Ms. Navjot Kaur, Advocate, for
Mr. B. S. Bhalla, Advocate,
for the appellant.

Mr. P. S. Jammu, Advocate,
for the respondent.

HARSH BUNGER J. (ORAL)

1. For convenience, the parties herein are being addressed as per their status in the original suit.

1.1 This is the plaintiff's second appeal challenging the judgment and decree dated 26.09.2018 passed by the learned Additional Civil Judge (Senior Division), Nihal Singh Wala as well as the judgment and decree dated 28.10.2021 passed by the learned Additional District Judge, Moga.

2. Briefly, plaintiff-Sukhwinder Singh filed a suit for recovery of Rs.5,37,600/- (Rs.4,20,000/- as principal amount and Rs.1,17,600/- as interest) against the defendant-Boota Singh on the plea that the plaintiff gave Rs.4,20,000/- on interest @1.25% per month on various dates to the defendant-Boota Singh and lastly on 01.07.2015, whereupon the defendant



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wrote a receipt dated 01.07.2015 in favour of the plaintiff for Rs.4,20,000/- and signed the same in the presence of the plaintiff and further promised to repay the said amount on demand alongwith the interest. It is the case of the plaintiff that despite repeated requests, the defendant has not made payment of principal amount or the interest. Even a legal notice sent by the plaintiff through his counsel on 06.10.2017 failed to evoke any response. Accordingly, the suit was filed.

3. Upon issuance of notice in the suit, the defendant appeared and raised various preliminary objections. On merits, the defendant admitted that the plaintiff gave Rs.4,20,000/- to him on 01.07.2015, but it was contended that the defendant has returned the whole amount on 25.07.2017 in the presence of marginal witnesses. The other averments of the plaint were denied and prayer for dismissal of the suit was made.

4. From the pleadings of the parties, the learned trial Court framed the following issues:-

- “1. *Whether the plaintiff is entitled to the relief of recovery of Rs.5,37,600/- along with interest on the basis of receipt dated 01.07.2015? OPP*
2. *Whether the suit of the plaintiff is not maintainable as the plaintiff has not come to the Court with clean hands and he has concealed the material facts from this Court? OPD*
3. *Whether the plaintiff has no locus-standi to file the present suit? OPD*
4. *Whether the defendant has returned the whole amount to the plaintiff on 25.05.2017 in the presence of marginal witnesses, if so, its effect? OPD*
5. *Relief.”*



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5. Thereafter, the parties led their respective evidence (oral as well as documentary) on the aforesaid issues.

6. Learned trial Court, vide judgment and decree dated 26.09.2018, dismissed the suit filed by the plaintiff.

7. The findings returned by the learned trial Court have been further affirmed by the learned First Appellate Court vide judgment and decree dated 28.10.2021.

8. In the aforementioned facts and circumstances, the present regular second appeal has been filed before this Court.

9. I have heard learned counsel for the respective parties and perused the records with their able assistance.

10. The case of the plaintiff is that he had given Rs.4,20,000/- to the defendant on interest @1.25% per month and in this regard, he placed reliance on a receipt dated 01.07.2015. On the other hand, the defendant admitted the fact that he had taken a loan of Rs.4,20,000/- from the plaintiff, however, he stated that he had returned the whole amount to the plaintiff on 25.05.2017 vide receipt dated 25.05.2017 (Ex.D1).

10.1 Plaintiff-Sukhwinder Singh, during his cross-examination, admitted his signatures on the receipt dated 25.05.2017 (Ex.D1). The aforesaid receipt (Ex.D1) has been proved by the witness, namely, Ranjit Singh (DW1), who deposed that there was a transaction of Rs.4,20,000/- between the plaintiff and the defendant and on 25.05.2017, the defendant had repaid Rs.4,20,000/- to the plaintiff (Sukhwinder Singh) in his presence and in the presence of other witness, namely, Balraj Singh. He further



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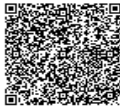
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deposed that after obtaining the amount, the plaintiff had written a receipt on copy of his Aadhar card, whereon the plaintiff signed in English and thereafter, the defendant also signed the said receipt and he (Ranjit Singh) and other witness-Balraj Singh attested the said receipt. Even the other witness (Balraj Singh) appeared as DW2 and deposed on similar lines as that of DW1 (Ranjit Singh). Defendant-Boota Singh also examined himself as DW3 and maintained that he has repaid the amount of Rs.4,20,000/- to the plaintiff in the presence of the witnesses and that the plaintiff had written a receipt on a Aadhar card, wherein he signed in English.

11. Considering the pleaded case of the parties as well as evidence available on record, learned trial Court concluded that the defendant successfully proved that he had obtained Rs.4,20,000/- from the plaintiff on 01.07.2015 and returned the whole amount to the plaintiff on 25.05.2017, in the presence of marginal witnesses, vide receipt (Ex.D1).

12. The aforesaid finding has been further affirmed by the learned First Appellate Court, vide judgment and decree dated 28.10.2021, by observing as under:-

“17....From the testimony of DW-1 Ranjit Singh and DW-2 Mukhtiar Singh, it has been specifically proved that in their presence, Boota Singh had returned the money to Sukhwinder Singh. Moreover, present appellant has failed to prove on record how this document i.e. photocopy of aadhar card came into possession of Bota Singh and under what circumstances, he had appended his signatures on the document. This court is of the view that no person of ordinary prudence will give singed copy of his aadhar card to any person. Onus was shift upon the appellant to rebut the fact that he has not received the money, but present appellant has failed to discharge the said onus. Respondent Boota Singh has duly proved on record that he has



returned the payment to present appellant Sukhwinder Singh. Learned trial Court has rightly held that presence appellant has failed to prove his case. Thus, impugned judgment is well reasons and requires no interference.

18. In view of above said discussion no illegality or perversity has been found in the judgment passed by learned trial Court and the same is based on proper appreciation of evidence.”

13. Before this Court, learned counsel for the present appellant has failed to dislodge the findings/observations made by the learned Courts below. It has not been shown as to how the findings returned by the learned Courts below are either perverse or illegal or based on misreading or misappreciation of evidence.

14. Having considered the totality of circumstances, I am of the view that the findings returned by the learned Courts below are based upon proper appreciation of facts, pleadings as well as evidence on record, which does not call for any interference. No question of law much less, a substantial question of law arises for adjudication in this regular second appeal.

15. Resultantly, the instant regular second appeal fails and same is accordingly, dismissed.

16. All the pending application(s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

02.09.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No