

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 1148 of 2012 (O&M)
Date of decision: 7.4.2015

Mander Singh

.. Appellant

v.

Lakha Singh

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Madan Sandhu, Advocate for the appellant.

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Rajesh Bindal J.

The defendant is before this court against concurrent findings of fact recorded by both the courts below, whereby the suit filed by the respondent-plaintiff for recovery of ₹ 51,600/-, i.e., ₹ 30,000/- as principal and ₹ 21,600/- as interest, was decreed.

The case set up by the respondent-plaintiff was that the appellant borrowed a sum of ₹ 30,000/- from him on 17.3.2005 and executed a pronote. As the amount was not paid, the suit was filed.

In order to prove the pronote, the plaintiff himself stepped into the witness-box as PW1 and also examined Labh Singh, one of the marginal witness of the pronote and the receipt, as PW2. They stood by their statements in the cross-examination. The pronote and the receipt were scribed by Ex-Sarpanch Major Singh of village Bhalaike, which was read over and explained to the appellant before he appended his signatures thereon. Though a plea was sought to be taken by the appellant that the pronote and the receipt were got executed by the respondent-plaintiff at the time of execution of agreements to sell dated 17.3.2005 and 16.11.2005, however, no evidence was led in support thereof. Even the capacity of the

respondent to advance loan of ₹ 30,000/- was duly proved by him by leading evidence to the effect that he is owner in possession of half share in land measuring 111 kanals and 1 marla. Though a plea of fraud and fabrication was sought to be taken by the appellant, however, no evidence was led in support thereof.

Considering the aforesaid material on record, both the courts below concurrently found that execution of pronote and the receipt was duly proved and a decree was passed against the appellant for payment of ₹ 30,000/- with interest. Nothing could be pointed out by learned counsel for the appellant, which could lead to the conclusion that the findings recorded by the learned courts below are perverse in any manner whatsoever.

No substantial question of law arises. The appeal is, accordingly, dismissed.

(Rajesh Bindal)
Judge

7.4.2015
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