

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Regular Second Appeal No. 1377 of 2012 (O&M)
Date of decision: 24.7.2015

M/s Shiv Shakti Industries

.. Appellant

v.

Mukesh Mahajan

..Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

**Present: Mr. Mohan Singla, Advocate for
Mr. Madan Goyal, Advocate for the appellant.**

Mr. Arvind Kashyap, Advocate for the respondent.

...

Rajesh Bindal J.

The plaintiff is before this court against concurrent findings of fact recorded by both the courts below, whereby the suit filed by him for recovery of ₹ 29,792/-, was dismissed.

It was claimed that the appellant supplied certain steel items to the respondent and there was balance of ₹ 19,600/- in the account, which the appellant-plaintiff was entitled to recover. The courts below found that the appellant had not produced the detailed accounts showing receipt of amount from the respondent, as the total amount of bill raised was ₹ 42,548/- and he sought to claim that balance was ₹ 19,600/-. None of the bills had been signed by the defendant or his representative. One of the bills dated 21.1.2003 (Ex. P7) was issued in the name of SDO (Telephones). The same had also been added in the account of the respondent-defendant. The account books, though claimed to be maintained in regular course of business, but copy of the same was not produced.

Considering the aforesaid factual matrix, in my opinion, there is no error in the judgments and decrees passed by the courts below, whereby the suit filed by the appellant-plaintiff for recovery of ₹ 29,792/- was dismissed. No substantial question of law arises in the present appeal. The same is, accordingly, dismissed. Consequently, the accompanying application is also dismissed.

(Rajesh Bindal)
Judge

24.7.2015
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