

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

RSA No. 2602 of 2012 (O&M)

Date of decision : 20.10.2015

Gurseem Singh alias Jaswinder Singh

... Appellant

versus

Sudarsh Kumar

... Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Atul Goyal, Advocate for
Mr. Rahul Chhatwal, Advocate, for the appellant.

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 respondent-plaintiff for recovery of ₹ 7,70,000/-, was decreed.

The suit was filed claiming that the appellant had borrowed a sum of ₹ 3,88,710/- in cash on different occasions. Adding interest of ₹ 3,81,290/- @ 2% per month, the total ₹ 7,70,000/- was claimed in the suit. The trial court after appreciating the evidence produced on record, decreed the suit to the extent of ₹ 3,88,710/- as principal amount and interest ₹ 1,90,645/- and with future interest @ 6% per annum after the date of filing of the suit. In appeal, the judgment and decree of the trial court was modified granting some relief in the rate of interest.

The only contention raised by learned counsel for the appellant is that Accountant of the respondent-plaintiff, who appeared as PW1-Harpreet Singh, stated that the entire principal amount due had already been paid in November, 2000. In view of the aforesaid statement and the material produced on record by the plaintiff being contrary, the suit should have been dismissed. However, the fact remains that on the other side the stand taken by the respondent plaintiff was that for the amount paid, the respondent-plaintiff had issued a receipt, which was not produced.

Considering the aforesaid factual matrix and that both the Courts below having recorded concurrent findings of fact on appreciation of evidence, which cannot be said to be perverse merely because a second view is possible, in my opinion, no interference is called for in the present appeal. No substantial question of law arises.

Accordingly, the present appeal is dismissed. Consequently, the accompanying applications are also dismissed.

20.10.2015
vs

(Rajesh Bindal)
Judge