

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.4085 of 2013 (O&M)
Date of Decision.24.08.2015

Balvir Singh and others

.....Appellants

Versus

Naresh Kumar

.....Respondent

Present: Mr. Jasbir Rattan, Advocate
for the appellants.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The suit on the basis of promissory note, which was said to have been executed on 07.11.2007, was contested by the defendant to point out that there was material alteration in date. His contention was that the letter '01' in 01.11.2007 had been modified as '7'. The plaintiff gave an expert witness to state that there was no material alteration while the defendant brought his own expert to show that there was a material alteration. A photocopy of the document has been filed in Court and I have also examined it. Apart from the particular recital said to contain an alteration, the signatures of the parties coming elsewhere in the same document shows that it was written on 07.11.2007 and it admits of no ambiguity at all. In the same document that contains reference to the date who shows the letter '7' as date before the year 2007, the letter '7' in years in a single stroke and the date '7' is also in the single stroke. If in the first portion of the

promissory note the letter '7' is in two strokes, the matter that could really excite suspicion is quelled by how the letter '7' is written in the subsequent portion of the promissory note. I have no doubt in my mind that the two Court below have considered the issue correctly with reference to the defence and I will affirm the view that there is no material alteration.

2. The counsel points out in appeal that the lower Appellate Court has held that the defendant's witness has admitted that there is no material alteration. I find such an observation is not correct but it does not really matter, for, even without consideration of a fact of alleged of admission, I am convinced that there was no material alteration in the manner in which the witnesses have spoken on the side of the plaintiff and which have been accepted by the two Courts below. Yet another argument which is advanced by the counsel is that the plaintiff has always in the habit of making the letter '7' in a particular fashion. The counsel would argue that if a person speaks about his own habit of about his manner of writing, he should produce earlier documents to show that there was a particular habit of writing and non-production of the same must lead to an adverse inference. I find nothing substantial for making an intervention in the manner sought to be canvassed by the appellant.

3. I find no substantial question of law for consideration in the second appeal. The second appeal is dismissed.

(K. KANNAN)
JUDGE

August 24, 2015
Pankaj*