

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.1574 of 2015 (O&M)

Date of Decision: 27.4.2015

Jhirmal Singh

.....Appellant

versus

Balwinder Singh

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Mohit Sadana, Advocate for the appellant.

RAJIV NARAIN RAINA, J. (Oral)

The scribe Ravinder Kumar when entered into witness box as PW2 stated that in his presence, amount of interest was settled on the alleged pronote but he did not depose regarding passing of consideration or money changing hands. DW2 Harbans Singh testified that no amount was handed over to the defendants in his presence. He was none other than the marginal witness to the promisory note. Both the Courts below have appreciated the evidence on record and arrived at a view that consideration under the promisory note did not pass to the plaintiff-appellant. It is not enough to hold a pronote in one's hand without proof of passing of money advanced as loan and therefore, pleadings in the plaint did not meet the standards set out in Order 37 CPC with the vital ingredients of Order 37 CPC not having remained satisfied. It was not open to this Court in second appeal to take a view opposite to the one taken by the Courts below which

are final on facts and on law. No question of law arises, much less substantial to interfere in second appeal and the appeal is, thus, hereby dismissed.

(Rajiv Narain Raina)

Judge

27.4.2015

Meenu