

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Regular Second Appeal No. 1717 of 2015 (O&M)
Date of decision: 7.7.2015

Beant Singh

.. Appellant

v.

Sinder Singh

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Suvir Sidhu, Advocate for the appellant.

...

Rajesh Bindal J.

The plaintiff has filed the present appeal against concurrent findings of fact recorded by both the courts below, whereby the suit filed by him for recovery of ₹ 45,000/- from the respondent-defendant, was dismissed.

It was claimed that the amount was advanced to the respondent on different dates in 106 transactions for the period from 2.4.2008 to 22.4.2011. The advance was taken by the respondent on different occasions for different purposes. However, when the same was not returned, the suit was filed. Besides oral statement of the appellant-plaintiff, no other evidence was led to prove that money was ever advanced. There were contradictions in the pleadings and the affidavit filed in evidence. Though it was claimed that the respondent-defendant was a poor person, however, on one occasion, the advance was shown for the purpose of going to Baba Balak Nath in Scorpio car, which was taken on hire.

Considering the fact that since there was no documentary evidence in support of the claim made by the appellant for recovery of ₹ 45,000/- from the respondent-defendant, in my opinion, no illegality has

been committed by the courts below in dismissing the suit filed by the appellant. 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

7.7.2015
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