

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

RSA No.894 of 2013 (O&M)
Date of Decision.17.09.2015

Onkar Singh Thind

.....Appellant

Versus

Sukhdev Singh

.....Respondent

Present: Ms. Meenakhi Poswal, Advocate for
Mr. Vikram Anand, Advocate
for the appellant.

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?

-.-

K. KANNAN J.

1. Ever since the date of the filing of the second appeal in January 2013, there have been either persistent absence on behalf of the appellant or pleas for adjournment. Since it is always the duty of the court to examine whether there exists any substantial question of law, I have proceeded to examine the file and passed the following order.

2. The appeal is at the instance of the defendant who resisted an action for recovery of money brought by the plaintiff on the basis of a promissory note executed by the defendant in favour of the plaintiff on 18/10/2001. The contention in defence was that he had never borrowed any money from the plaintiff. On the other hand it was the plaintiff who wanted to record music through the defendant's contact with some music company but did not have money to pay the music company after the recording was done. In order to accommodate his friend, the defendant paid ₹ 30,000/- to the music company on behalf of the

plaintiff. The defendant had been requesting the plaintiff to repay the amount but instead of repaying the same, the plaintiff has fabricated the promissory note and filed the case.

3. The plaintiffs had examined himself and the the marginal witnesses and also brought a handwriting expert to make comparison of the defendant signature with the admitted signatures. He had given a report opining that the signatures found in both the documents were only that of the defendant. At the time of trial that defendant himself admitted the signature but wanted to contend that the plaintiff obtained his signature on blank paper and that the plaintiff has used the paper with the signature by filling up recitals of a promissory note. The two courts below have rejected this plea and have reasoned that the defendant was a person who had studied up to higher secondary School and it was inconceivable that he would have made any such signatures on blank paper.

4. I do not find that there is any error in the approach adopted by the courts below for intervention in second appeal. The second appeal is without merit and it is dismissed as such.

(K. KANNAN)
JUDGE

September 17, 2015
Pankaj*