

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

**RSA No. 190 of 2015 (O&M)
Date of decision: 17.11.2015**

M/s Om Parkash and Sons

... Appellant

versus

M/s Fair Deal Enterprises

.... Respondent

RSA No. 382 of 2015 (O&M)

M/s Om Parkash and Sons

... Appellant

versus

M/s Rajesh Sales Corporation 263, East Mohan Nagar, Amritsar

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. R.S. Chauhan, Advocate for the appellant.

K.Kannan, J.

The appeals are by the plaintiff(s) whose suit for recovery of amount alleged to be due from the defendant for the goods supplied was resisted on the plea that the defendant had made the payments and brought in support of such a plea receipts D2 and D11 and also produced the account books showing due credits to itself and payments made to the plaintiff. The Courts below dismissed the suit holding that there had been discharge of liability.

Learned counsel argues that the documents produced by the defendant had no evidentiary value in view of the fact that plaintiff had denied the receipts and defendant himself could not answer in the cross-examination as to who issued the receipts on behalf of the plaintiff.

The Court below had referred to the so-called admission but still found that it could not make any difference since the receipts had been issued on a pre-printed letter pad of M/s Om Parkash and Sons, name of the plaintiff. The best method of disproving the same

would have been for the plaintiff, to show the letter pad at the relevant time and how it was materially different. The Court was not merely looking at the printed receipts but also looked for the corroboration from the account books produced by the defendant which were found to be acceptable and maintained in its usual course. The ultimate dismissal has been on the basis of appreciation of documents filed before the court which I reckon to be pure appreciation of facts.

I decline to make any intervention and dismiss the second appeals.

(K.KANNAN)
JUDGE

17.11.2015
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