

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

RSA No. 2051 of 2015 (O&M)

Date of decision: August 17, 2015

Mrs. Nirmal Sharma and others

...Appellants

Versus

Ramesh Garg

...Respondent

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?**

Present: Mr. JC Kapoor, Advocate,
for the appellants.

K. KANNAN, J. (Oral)

CM No. 5362 C of 2015

For the reasons stated in the application, delay in making the court fee good is condoned.

CM stands disposed of.

Main case

1. There is no error in the judgments of the courts below that have allowed only for a decree against the estate of the deceased in the hands of the defendants, who are the wife and the children of the deceased/drawer of a cheque. The contention in defence was that only the signatures of the drawer were genuine but the plaintiff who was his immediate superior in the office had filled up recitals fraudulently without any consideration. The courts below found the plea in defence to be not true and invoked the statutory provision under Section 118 of the Evidence Act to hold that the cheque was supported by consideration and granted a decree for recovery of

the amount found in the cheque with 12% from 3.2.2004 upto the date of decree and @ 6% from the date of decree till realization. It qualified that the decree shall not be personal against the defendants No. 1 to 4, but will operate only against the estate.

2. The whole consideration of facts by the courts below are correct and call for no interference. The argument is that the appellants have no estate of the deceased in their hands. So much the better for the appellants not be worried for any scope of recovery against any of them.

3. The second appeal is dismissed as devoid of merits and involving no substantial question of law.

August 17, 2015
prem

(K.KANNAN)
JUDGE