

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

RSA No. 2090 of 2015 (O&M)

Date of decision : 14.5.2015

Teja Singh @ Gurtej Singh

... Appellant

vs

Moti Singh

... Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Ms. Harpreet K. Athwal, Advocate, for the appellant.

Rajesh Bindal, J.

Defendant is before this Court impugning judgments and decrees of the Courts below whereby the suit filed by respondent-plaintiff for recovery of ₹ 40,800/-, was decreed.

The claim of the respondent-plaintiff was based on a pronote executed by the appellant.

Learned counsel for the appellant submitted that no doubt signatures on the pronote were admitted by him, however, those were taken forcibly by the respondent. There were major discrepancies in the evidence led by the respondent-plaintiff. If the same are read in totality, the same do not in any way prove that the money was given to the appellant at the time of execution of the pronote. There was no agreement for payment of interest, but still the learned Courts below have awarded interest.

After hearing learned counsel for the appellant, I do not find any merit in the present appeal. Once the appellant admitted his signatures on the pronote, the onus shifted on him to prove that under what circumstances those were appended and how the consideration had not been given to him. Minor discrepancies in the evidence led by the respondent-plaintiff will not be sufficient to set aside the concurrent findings of fact recorded by both the courts below. In case the stand of the appellant was that the pronote was got signed forcibly by the respondent- plaintiff, nothing has been referred to from the record that any complaint was made to any authority in that regard.

The Courts below have referred that witness to the pronote, while appearing in court, fairly stated that the amount was handed over by respondent-plaintiff to the appellant in his presence. Further it had come on record that the appellant had executed pronote to settle the dispute with reference to the money taken from the respondent-plaintiff for sending his nephew abroad. Even a criminal case was also registered for the same bearing FIR No. 280 dated 27.10.2006 under Section 420 IPC at Police Station City Barnala.

As regards the award of interest is concerned, though the learned trial Court had awarded interest to the respondent @ 12% per annum upto the date of the decree and 6% per annum thereafter, however, the rate of interest @ 12% per annum was reduced to 9% per annum by the learned Lower Appellate Court while modifying the decree of the trial court, which is quite reasonable.

No substantial question of law arises.

The appeal is, accordingly, dismissed. Consequently, the accompanying applications are also dismissed.

14.5.2015
vs

(Rajesh Bindal)
Judge