

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 251 of 2015(O&M)
Date of decision : January 21, 2015

Kabul Singh

..... Appellant

Versus

Shimla Rani and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Inderjit Sharma, Advocate
for the appellant.

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?

Amit Rawal, J (oral).

This Regular Second Appeal is at the instance of the appellant-defendant against the judgment and decree of both the courts below whereby suit for recovery of ₹9,74,000/- with interest @ of 9% per annum from 1.12.2005 till the passing of the decree and interest @ of 6% per annum till the actual realization have been decreed.

Learned counsel for the appellant-defendant submits that the respondents-plaintiffs did not prove the execution of the pronote and receipt, much less the admission in the cross examination that he is not an income tax assessee, therefore it cannot be believed that he could have extended the said loan to the appellant-defendant. Be that as it may, the aforementioned

argument of the learned counsel for the appellant-defendant sans merits. During the course of trial not only the defendant had admitted the signatures on the pronote and receipt and even father of the defendant who was examined in support of the defence taken by the appellant-defendant had also admitted the signatures of the defendant. Once the pronote and receipt has been admitted the other argument do not carry any weight for the adjudication of the controversy which was in respect of the recovery of movable property i.e. a sum of ₹9,74,000/- along with interest.

Both the Courts below have rendered a finding of fact and law based on the appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned orders of the courts below.

No substantial question of law arise for determination by this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

January 21, 2015
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