

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 1121 of 2014 (O&M)
Date of decision: 21.4.2015

Chuhar Singh

.. Appellant

v.

Ranjit Singh

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. R. L. Batta, Senior Advocate with
Mr. Mandeep K. Sajjan, Advocate for the appellant.

Mr. Sunny K. Singla, Advocate for the caveator-respondent.

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Rajesh Bindal J.

The defendant is before this court against concurrent findings of fact recorded by both the courts below, whereby the suit filed by the respondent for recovery of ₹ 4,50,000/- along with interest, on the basis of a pronote executed by the appellant, was decreed.

Learned counsel for the appellant submitted that very fairly the appellant did not dispute his signatures on the pronote. He further submitted that there had been money transactions between the parties as the appellant had used to sell the crops through Bhupinder Singh and Sarabjot Singh. However, he submitted that there were two witnesses to the pronote and receipt. Only one of them, namely, Sarabjot Singh had been produced, who was relative of the respondent-plaintiff. The other witness was not produced. The conduct of Sarabjot Singh was commented upon by the court in another suit filed by him for recovery, hence, his evidence could not be relied upon.

After hearing learned counsel for the appellant, I do not find any merit in the present appeal. Once the appellant had admitted his

signatures on the pronote and the receipt, the courts below had not committed any error in presuming that the same were executed for valid consideration. The burden shifted on the appellant to prove otherwise. He has not been able to rebut the presumption. In fact, he alone appeared in the witness-box. No other evidence was led by him. If there were two witnesses to the pronote, production of one in court was sufficient, especially in the case where the appellant did not dispute his signatures on the pronote and the receipt, meaning thereby the execution thereof was admitted.

Considering the aforesaid factual matrix, I do not find any reason to interfere with concurrent findings of fact recorded by both the courts below. No question of law, much less a substantial question of law, arises in the present appeal. The same is, accordingly, dismissed. Consequently, the accompanying applications are also dismissed.

(Rajesh Bindal)
Judge

21.4.2015
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