

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

RSA No. 1805 of 2014 (O&M)
Date of decision: August 18, 2015

Amar Singh

...Appellant

Versus

Paramjit Singh

...Respondents

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. NS Swaitch, Advocate,
for the appellant.

K. KANNAN, J. (Oral)

CM No. 4411 C of 2014

For the reasons stated in the application, the delay in re-filing the appeal is condoned.

CM stands disposed of.

Main case

1. The appeal is against the judgment allowing the appeal filed by the defendant and dismissing the suit filed by the appellant. The suit was filed on a promissory note alleged to have been written on 27.6.2006. It was pointed out in the cross-examination of the witnesses brought by the plaintiff that the proforma of promissory note itself has been purchased by the plaintiff and endorsed by the stamp vendor as having been sold on 11.8.2007. The trial court decreed the suit but the Appellate Court found that if the promissory note itself was purchased only in August 2007, it was inconceivable that the document could not have been executed in the year 2006. The learned counsel for the appellant who wants to assail the

judgment that has rejected the document as forged and fabricated, refers to the fact that the signatures of the defendant was admitted and the defendant was only contending that he had borrowed some money in the year 2005 and returned in the subsequent year. If the signature was admitted, the date mentioned by the stamp vendor was only a technical error and therefore,, the trial court could not have reversed the decision.

2. There is nothing technical about a pointed observation by the appellate Court that signals positively to the forged nature of the document. A mere admission of the signatures cannot enable the plaintiff to take a decree. When the promissory note with recital was specifically denied by the defendant and the plaintiff sought to prove the same, he ought have clearly establish a very serious discrepancy of a document as seen to have been purchased from the stamp vendor in August, 2007 but the document bore the recital as though it was executed in June, 2006. It is virtually impossible for a person to have the custody of the document purchased in the year 2007 in the year 2006. The plaintiff was required to examine the stamp vendor himself and explain the discrepancy and if it was not done, the date as mentioned would show the character of the instrument as not genuine and the Appellate Court was justified in dismissing the suit and allowing for the appeal filed by the defendant. The consideration of the fact on the most crucial issue relating to the date of instrument to test the genuineness was properly done by the Appellate Court and I find there is no scope for intervention in the second appeal.

2. The second appeal is dismissed being devoid of merit.

August 18, 2015
prem

(K.KANNAN)
JUDGE

