

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 4622 of 2015(O&M)

Date of decision : December 19, 2015

Om Parkash and others

..... Appellants

Versus

M/s Jattu Ram and sons

..... Respondents

RSA No. 4506 of 2015(O&M)

Gulab Singh(deceased) through L.Rs and others

..... Appellants

Versus

M/s Jattu Ram and sons

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Raman Goklaney, Advocate
for the appellants.

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 order of mine shall dispose of two appeals bearing RSA No.4622 of 2015 and 4506 of 2015.

The appellants-defendants are in Regular Second Appeal against concurrent finding of fact whereby the suit for recovery of ₹2,68,138/- along with pendent lite and future interest @ 18% per annum from the date of filing the suit till actual realization has been decreed.

Learned counsel appearing on behalf of the appellants-defendants submits that suit of the respondent-plaintiff ex facie was barred by limitation as last transaction of crop was entered into on 1.10.2003 whereas the suit has

been filed on 17.7.2007, therefore it was barred by law of limitation. Secondly, only the account books have been placed on record. No other documentary evidence has been proved or brought on record to seek recovery of the amount and thus, there is illegality and perversity in the impugned orders.

I have heard learned counsel for the appellant and appraised the paper book.

The account books bear signatures of the appellants-defendants. The same have not been disputed by examining any expert. It is a categorical case of the defendants that the last crop was sold to the plaintiff in the year 2003 whereas the suit has been filed on 17.7.2007, which is within the period of limitation. Thus, both the pleas are not sustainable.

Keeping in view the aforementioned facts, I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgments and decrees of both the courts below.

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

In view of what has been observed above, the appeals are devoid of merits, accordingly, the same are dismissed.

(AMIT RAWAL)
JUDGE

December 19, 2015
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