

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 2690 of 2014(O&M)
Date of decision : September 24, 2015

Darshan Singh

..... Appellant

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Pardeep Kumar, 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).

The challenge in the present appeal is against the concurrent finding of fact whereby the suit of the appellant-plaintiff has been partly decreed to the extent of ₹6,591/- and viz-a-viz remaining amount, the same has been dismissed.

Mr. Pardeep Kumar, learned counsel appearing on behalf of the appellant-plaintiff submits that both the courts have committed illegality and perversity in dismissing the suit viz-a-viz balance amount on the premise that mere entry in the pass book was not sufficient.

He further submits that a FIR has been registered against the concerned person of the Post Office and ultimately he has been convicted, therefore, the saving account has been misappropriated.

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

It is a settled law that the appellant-plaintiff has to stand on his own legs except an entry in the pass book, no effort has been made to summon the bank statement with regard to the latest outstanding amount.

Mere entry in the pass book on a particular date and in the absence of subsequent entries would not prove the case of the appellant-plaintiff, that the post office owed alleged amount to the appellant-plaintiff. Otherwise, it is a simple case of astuteness that a person withdraws an amount of ₹10 lacs and gets a entry in the pass book and thereafter withdraws substantial amount without getting relevant entry in the pass book, would not mean that the Post office or any other financial institution owed money shown in the pass book.

Both the courts below have rendered a finding of fact and law after appreciation of oral and documentary evidence and rightly so, partly decreed the suit viz-a-viz an amount of ₹6,591/-. I do not find any illegality or perversity in the aforementioned judgments and decrees of the courts below.

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

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

September 24 , 2015
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