

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 3891 of 2014 (O/M)
Date of decision : 8.9.2015

Prem Parkash

..... Appellant

Versus

Subhash Chander and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. P.K. Ganga, Advocate, for the appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present regular second appeal is the judgment and decree dated 28.4.2014, passed by the learned District Judge, Sirsa, affirming the judgment and decree dated 9.10.2012, passed by the learned Additional Civil Judge (Senior Division), Sirsa, vide which the suit of the plaintiff/respondent No. 1, was decreed for recovery of Rs. 4,36,000/- alongwith simple interest at the rate of 18% per annum from 30.4.2005 till date (i.e. 9.10.2012 date of decree) after deducting the amount of Rs. 50,000/-, (already paid). 6% per annum simple future interest from the date of decree till realization was also allowed.

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The suit was filed on the basis of receipt dated 30.4.2005, executed by the defendant/appellant. The learned counsel for the appellant has argued that the defendant/appellant had denied the signatures on the receipt. Therefore, the plaintiff/respondent No. 1 was required to examine the expert. It has been further contended that defendant/appellant had nothing to do with the firm M/s Dharam Chand Hans Raj, on behalf of whom he is recorded to have signed the receipt as a proprietor. It is further contended that fraud has been committed with defendant/appellant. It is further contended that none from the said firm M/s Dharam Chand Hans Raj has been examined.

After going through the judgments and decrees of both the Courts below, I am of the view that in this case, the plaintiff/respondent No. 1 had examined himself as well as the attesting witness of the receipt. The receipt was duly proved. Then, it was for the defendant/appellant to examine the expert to prove that his signatures on the receipt are forged. The said evidence of the plaintiff/respondent No. 1 was not rebutted. The question whether any fraud was committed or not is a question of fact, which has been gone into by both the Courts below. Non-examination of any partner of the said firm cannot be called law point. The receipt was proved and the lower Court after considering all the facts and

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circumstances passed the impugned judgment and decree. The judgment and decree was affirmed in the appeal. No question of law much less the substantial question of law arises in the present appeal. Hence, the present appeal is dismissed.

(KULDIP SINGH)
JUDGE

8.9.2015
sjks