

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**RSA-4007-2014****Date of Decision : 19.02.2015.**

Rameshwar Singh

....Appellant

Versus

Harpreet Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWALPresent: Mr. A.S. Gill, Advocate
for the appellant.**AMIT RAWAL, J. [Oral]**

This Regular Second Appeal at the instance of appellant/plaintiff is directed against the judgment and decree of the lower Appellate Court whereby suit for recovery of 80,000/- alongwith interest decreed by the trial Court, has been dismissed by lower Appellate Court on the ground of limitation. Learned counsel appearing on behalf of the appellant/plaintiff submits that lower Appellate Court has erroneously dismissed the suit by allowing the appeal of the respondent/defendant on the point of limitation as the respondent/defendant had committed forgery by not issuing the cheque from his account and for that they had to even withdraw the complaint under Section 138 of the Negotiable Instruments Act and therefore, the suit of the appellant/plaintiff was within a period of limitation.

I am afraid the aforementioned arguments do not cut ice and appeal is liable to be dismissed for the reason that suit has been filed on 25.05.2012 in respect of recovery of amount which has been given by way of cheque dated 22.02.2007. There is no evidence which has come on

record.

In view of the aforementioned observations, the lower Appellate Court has rightly dismissed the suit being time barred. There is no illegality and perversity in the finding rendered by the Appellate Court. No substantial question of law arises for the adjudication of the present appeal.

Accordingly, present appeal is dismissed.

(AMIT RAWAL)
JUDGE

February 19, 2015
prince rana