

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

**RSA No.4082 of 2014 (O&M)
Date of decision: 18.12.2015**

Ranjha Ram

Vs.

... Appellant

Bhagwan Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Suresh Kumar Aneja, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff is in Regular Second Appeal aggrieved of the findings rendered by both the Courts below, whereby, instead of granting decree vis-a-vis principal amount of ₹1,60,000/- along with interest at the rate of 2% per month on the basis of the pronote and receipt, decreed it to the tune of ₹50,000/- along with interest @ 6% from 11.12.2007.

Mr. Suresh Kumar Aneja, learned counsel appearing on behalf of the appellant-plaintiff submits that the trial Court, as well as, lower Appellate Court have not assigned any reason for discarding the report of the handwriting expert produced and proved by the plaintiff, who unequivocally stated that Ex.D1 did not bear the

signatures of the plaintiff. Ex.D1 was the document set up by the defendant to show that he had paid the remaining amount except Rs.50,000/-. In this regard, he has relied upon the judgment of the Hon'ble Supreme Court in **Ravichandran vs. State By Dy. Superintendent of Police, Madras 2010(2) Civil Court Cases 554 (SC)** to contend that where the reasons for the opinion are convincing and there is no reliable evidence throwing a doubt, the uncorroborated testimony of an handwriting expert may be accepted, thus, prays that there is illegality and perversity in the findings rendered by both the Courts below, much less, substantial question of law arises for adjudication of the present appeal.

I have heard learned counsel for the appellant-plaintiff and appraised the impugned judgments and decrees of the Courts below, as well as, the case law cited at bar.

I am of the view the appeal is liable to be dismissed for the following reasons:-

Ex.D1 receipt is also witnessed by DW2 – Masret Singh. He was subjected to detailed cross examination but nothing contrary surfaced. The appellant-plaintiff has not taken any steps to compare the standard signatures with the disputed one to prove that he was not signatory to the Ex.D1. Since the appellant-plaintiff has not been able to prove the outstanding amount ₹1,60,000/-, the trial Court found that a sum of ₹50,000/- was outstanding, therefore, rightly, decreed the suit.

The report of handwriting expert is not conclusive. The trial Court has assigned the reasons by referring the case law in discarding the report of handwriting expert, thus, the facts and circumstances of the case law cited at bar, do not apply to the present case.

Keeping in view the aforementioned observations, I do not intend to differ with the findings rendered by both the Courts below, based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for adjudication of the present appeal.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 18, 2015
savita