

RSA No. 4370 of 2014 (O&M)

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

RSA No. 4370 of 2014 (O&M)

Date of Decision: August 26, 2015

Sukhdev Singh

...Appellant

Versus

Ajay Dhawan

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Jatinder Pal Singh, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (Oral):

CM No.10129-C of 2014

Counsel for the applicant-appellant states that the amount of deficit Court fee which was short has been made good.

In view of the above, the present application is allowed as the requisite Court fee has been affixed.

CM No.10128-C of 2014

Prayer in this application is for condonation of delay of 45 days in filing the appeal.

For the reasons mentioned in the application, the same stands allowed. Delay of 45 days in filing the appeal is condoned.

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Challenge in this appeal is to the judgment and decree passed by the Civil Court, by which the suit of the respondent-

plaintiff for recovery of ₹5,10,000/- stands decreed and the appeal against the same having been dismissed by the Lower Appellate Court.

It is the contention of the counsel for the appellant-defendant that he was selling his crops to the respondent-plaintiff on regular basis as he was a Commission Agent and the thumb impression which was taken of the appellant-defendant was by way of fraud and therefore, the agreement to sell was result of fraud having been committed on the appellant-defendant and he having been cheated put his thumb impression under the *bona fide* belief as he had regular transactions with him with reference to the sale of the crops.

This contention of the counsel for the appellant-defendant cannot be accepted in the light of the fact that the assertion as has been made by the appellant-defendant, has not been proved by him by leading any cogent evidence. On the other hand, the respondent-plaintiff has been able to prove the documents on the basis of evidence which is relevant for the said purpose.

An argument has been raised by the counsel for the appellant-defendant that he had been able to prove certain receipts but this assertion of the counsel for the appellant-defendant also cannot be accepted in the light of the fact that he is unable to co-relate with the fact about the money having been loaned out to him.

Since both the Courts below have returned concurrent

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findings after properly appreciating the evidence, the same cannot be interfered with as there is no perversity or illegality in the same.

No substantial question of law is involved in the present appeal which requires consideration of this Court. Therefore, finding no merit in the present appeal, the same stands dismissed.

August 26, 2015

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**