

RSA No. 4979 of 2014 (O&M)
Date of decision : October 13, 2015

Ranjit Singh

..... Appellant

Versus

Registered Firm Tej Bhan and Sons

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Iqbal Singh Mann, Advocate
for the appellant.

Amit Rawal, J (oral).

The appellant-defendant is in Regular Second Appeal against the concurrent finding of fact assailing the judgment and decree of both the courts below whereby the suit for recovery for an amount of ₹3,78,837.78 ps. (principal plus interest) has been decreed against the appellant-defendant and in favour of the respondents-plaintiffs.

Learned counsel for the appellant-defendant submits that both the courts below have committed illegality and perversity in decreeing the suit as the author of the account books/bahi has not been examined by the respondents-plaintiffs.

He further submits that the respondents-plaintiffs instituted another suit on the basis of an entry in the bahi/account book which was disbelieved as they had indulged into manipulation, therefore, both the courts below have not appreciated the aforementioned fact which resulted into miscarriage

of justice, much less illegality and perversity.

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

The hand writing expert examined by the appellant-defendant admitted that there is no difference in any portion of signatures viz-a-viz admitted ones. Even the bahi/account books bore the signatures of the appellant-defendant which have not been disapproved or contradicted/rebutted through the testimony of defendant's expert. The plaintiff brought the original account books during the pendency of the suit which were inspected by the counsel for the appellant-defendant and the same was noticed by the trial court in zimni order dated 28.11.2006, therefore, the plea that the account books were manipulated later on is devoid of merits.

I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgment and decree of the appellate court.

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

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

October 13 , 2015
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