

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 5356 of 2014 (O&M)
Date of decision: 7.4.2015

Nahar Singh

.. Appellant

v.

Balvir Singh

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Ashish Gupta, Advocate for the appellant.

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Rajesh Bindal J.

The defendant has filed the present appeal against concurrent findings of fact recorded by both the courts below, whereby the suit filed by the respondent-plaintiff for recovery of ₹ 64,000/- along with interest, was decreed.

The case of the respondent-plaintiff was that the appellant had borrowed a sum of ₹ 64,000/- on 13.8.2007 and executed pronote and receipt. He appended his thumb impression on the pronote and receipt in the presence of witnesses. Besides plaintiff, attesting witness was also produced in evidence by him. The pronote and the receipt were scribed by Jarnail Singh, Document Writer. The appellant did not dispute the fact that he borrowed the money from the respondent and executed the documents therefor, rather, his plea was that he had borrowed ₹ 20,000/- and thumb marked on blank documents. Further, the appellant did not lead any evidence in support of the plea raised by him that a sum of ₹ 20,000/- borrowed by him was paid to the respondent-plaintiff against receipt, as no such receipt was produced in evidence. The witness to the pronote stated that the appellant had thumb marked the same after receipt of ₹ 64,000/-

mentioned therein. It was with the aforesaid material on record that both the courts below opined that execution of pronote and receipt having been duly proved on advancement of ₹ 64,000/- as loan to the appellant, hence, the suit filed by the respondent-plaintiff was decreed.

Learned counsel for the appellant has not been able to refer to any evidence, which has either been misread or not considered by the courts below, as a result of which the findings recorded by the courts below could be held to be perverse.

No substantial question of law arises. The appeal is, accordingly, dismissed. Consequently, the accompanying applications are also dismissed.

(Rajesh Bindal)
Judge

7.4.2015
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