

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

**RSA No.5612 of 2014 (O&M)**  
**Date of Decision: April 27, 2015**

Harnek Singh

...Appellant

Versus

Gora Lal

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Anil Kumar Garg, Advocate  
 for the appellant.

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**INDERJIT SINGH, J.**

Appellant-defendant Harnek Singh has filed this regular second appeal against Gora Lal respondent-plaintiff challenging the judgment and decree dated 13.02.2014 passed by learned Addl. Civil Judge (Senior Division), Dhuri, vide which the suit for recovery filed by the plaintiff-respondent was decreed and judgment and decree dated 08.07.2014 passed by learned District Judge, Sangrur, vide which appeal filed by the appellant-defendant was dismissed.

At the time of arguments, learned counsel for the appellant argued mainly on the findings of fact that appellant's signatures were obtained on blank papers by the respondent and the findings given by the Courts below are incorrect.

I have heard learned counsel for the appellant and have gone through the record.

The brief facts of the case are that Gora Lal plaintiff filed a suit against Harnek Singh defendant for recovery of ₹6,18,750/- on the basis of pronote and receipt dated 01.01.2009. It is mainly stated that defendant borrowed a sum of ₹4,50,000/- from the plaintiff with a stipulation to pay interest @ 2% per month on 01.01.2009 and executed a pronote and receipt in favour of the plaintiff after admitting the contents of the same in presence of witness. A legal notice dated 28.01.2011 was also served upon the defendant but to no effect.

On the other hand, the case of the defendant in the written statement is that there are material additions and alterations in the pronote and receipt. It is also stated that plaintiff is running a commission agency at Dhuri. The defendant used to sell the agricultural produce through the shop of the plaintiff till 2004-05 and during this period, plaintiff used to take the signatures of the defendant on certain blank and filled documents. Thereafter, the defendant settled his account with the plaintiff and shifted his commission agency shop in the year 2004-05 and nothing is due against the defendant.

Both the parties produced evidence to support their case. Plaintiff examined PW-1 Sikander Singh, himself as PW-2 and Tarsem Chand as PW-3. On the other hand, defendant examined himself as DW-1.

Learned Addl. Civil Judge (Senior Division) Dhuri, after appreciating the evidence and the statement of PW-1 Sikander Singh, PW-3 Tarsem Chand (both attesting witnesses) and PW-2 plaintiff,

held the execution of pronote and receipt, after borrowing the loan amount by the defendant from the plaintiff, duly proved. Even the defendant admitted his signatures on the pronote and receipt. The only contention of the defendant is that he was earlier selling the crop through the plaintiff's shop, who was doing the work of commission agent and in the year 2004-05, he has changed shop of commission agent and during that period, plaintiff obtained his signatures on blank papers etc. First of all, as per evidence on record, and especially the cross-examination of the plaintiff, the plaintiff and defendant have no dispute regarding any account till the plaintiff was running commission agent shop. The plaintiff's case is that in the year 2005, he left the work of commission agent and now he is doing the work of sheller and property dealing.

Neither there was any enmity or motive of the plaintiff to prepare false documents against the defendant nor there is any cogent evidence on record to show that signatures of the defendant have been taken on blank papers nor there is any material addition or alteration in the pronote, which I have seen in the lower Court record. Therefore, the findings of fact given by learned Addl. Civil Judge (Senior Division), Dhuri are correct and as per law. In no way, it can be held that any evidence has been misread by the Court and has not been properly appreciated. The findings given by learned District Judge, Sangrur vide judgment and decree dated 08.07.2014 are also correct and as per evidence and law. The findings given by both the Courts below do not require any interference from this Court.

Otherwise also, no substantial question of law arises in the present regular second appeal.

Therefore, finding no merit in the present regular second appeal, the same is dismissed.

**April 27, 2015**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**