

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.5807 of 2014 (O&M)
Date of Decision.14.12.2015

Sukhdev Singh

.....Appellant

Vs.

Surinder Kaur

.....Respondent

Present: Mr. Anil Chawla, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. The suit for recovery of ₹1,70,000/- was rested on a plea that the loan transaction which was evidenced through two cheques issued by the defendant admitting to the liability bounced on 23rd July and 24th July 2008 for insufficiency of funds and the suit claim was for the amounts stipulated in the cheques together with interest. The defendant denied that he had ever issued any cheque and also denied that there was any liability by him due to the plaintiff. The suit was decreed on proof of the fact of dishonour of cheques and the Appellate Court affirmed the same.

2. The learned counsel states that he has filed an application for reception of additional evidence which would show that ₹1 lac was again deposited on the same day through another cheque to the plaintiff's account. I cannot allow for any evidence to be brought that he had made payment on the same day and it was credited to the

plaintiff's account. It could relate to any another transaction which would have no bearing to the suit claim. If the defence was that there had been no borrowing at all from the plaintiff, a plea through an additional evidence that he had made payment on the same day and that stood credited to the plaintiff's account cannot be permitted. The additional evidence sought to be brought is meaningless.

3. There is no merit in the second appeal. The second appeal is dismissed.

(K. KANNAN)
JUDGE

December 14, 2015
Pankaj*