

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

-:-

**R.S.A No. 731 of 2014 (O&M)
Decided on : January 21, 2015**

M/s Tinwala, Anaj Mandi, Ambala & Anr.

... Appellants.

Versus

Sunil Verma

... Respondent

CORAM : HON'BLE MR.JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. A.S.Tewatia, Advocate, for the appellants.

Mr. Ashok Kumar, Advocate, for the respondent.

Mahavir S. Chauhan, J. (Oral)

C.M. No. 1671 of 2014

Heard.

In view of the submissions made at the bar and for the reasons mentioned in the application, which is supported by an affidavit of Balbir Singh, Clerk of Sh. A.S.Tewatia, Advocate, coupled with the fact that the delay is minimal, the application is allowed and delay of 67 days in filing the appeal is condoned.

R.S.A No. 731 of 2014 (O&M)

Heard.

By way of this regular second appeal, defendants assail correctness of judgment/decreed dated 12.07.2013, passed by the learned

Additional District Judge, SAS Nagar, Mohali, ('first appellate Court' – for short) affirming the judgment/decreed dated 23.04.2011, passed by the learned Additional Civil Judge (Senior Division), Dera Bassi, ('trial Court'- for short), decreeing plaintiff's suit for recovery of Rs.2,60,000/-.

It is argued by learned counsel for the appellants that the plaintiff-respondent has failed to prove advancement of loan to the appellant as also execution of the receipt, Exhibit P-1, by him. According to him, Courts below have not been able to appreciate the evidence in proper perspective.

A perusal of the record would show that the appellants were sued on the basis of receipt, Exhibit P-1, for recovery of Rs.2,60,000/- on the allegation that their predecessor in interest had obtained a loan amounting to Rs.2 lacs from the plaintiff/respondent vide receipt Exhibit P-1 and had undertaken to repay the said amount together with interest @12% per annum, but did not return it. The receipt Exhibit P-1 has been proved on record by examining PW-1 Ashwani Kumar, an attesting witness thereof, and in addition the plaintiff-respondent himself appeared as PW-2. The plea taken by the appellants in the written statement that they were away to Ambala to attend hearing before a Court, has been found to be insufficient by the Courts below on the ground that hearing of the case in question took place in the morning session while receipt, Exhibit P-1, produced by the defendants was shown to be executed at 12 noon and Ambala is just few kilometers away. Beyond this, no further point has been urged on behalf of

the appellants.

In view of the above, coupled with the fact that this appeal is not shown to involve any question of law, much less a substantial one, I regret my disinclination to interfere with the concurrent and pure findings of fact recorded by the Courts below.

Dismissed.

No costs.

January 21, 2015
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[Mahavir S. Chauhan]
Judge