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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 160/2015

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Date of decision : 20th April, 2015

M/S NAGI DIAMOND JEWELLERS Appellant
Through Mr. Rajesh Kumar Luthra,
Adv.

versus

D'MINES TRADING CO PVT LTD Respondent
Through

CORAM :-

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

CM 4465/2015

The delay of three days in filing the appeal is condoned. The application is disposed of.

RFA 160/2015 & CM 4464/2015

1. The appellant has challenged the decree for Rs.8,55,487/- along with interest @ 12% per annum passed by the learned Trial Court.
2. The appellant purchased jewellery worth Rs.10,10,549/- from the respondent and paid Rs.3,50,000/- against the said purchase. The respondent instituted a suit for recovery of Rs.8,78,629/- towards the balance amount of the aforesaid jewellery purchased by the appellant which was contested by the

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RFA 160/2015

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appellant on the ground that the jewellery was of the inferior quality and not as per the specification i.e. 14 carat instead of 18 carat which was disputed by the respondent.

3. Learned counsel for the appellant submits that the appellant got the jewellery valued from a valuer and placed the valuation report before the Trial Court. It is submitted that as per the valuation report, the value of the jewellery was Rs.6,77,708/-. The appellant admittedly did not pay the balance amount even as per the said valuation report. The appellant did not prove the valuation report by examining the valuer and therefore the valuation report cannot be considered.

4. On being questioned by the Court as to the present status of jewellery purchased by him, learned counsel for the appellant submits that the appellant may have sold the jewellery in question. If that is so, the appellant ought to have placed on record the relevant documents to show the value at which the jewellery was sold by him. Admittedly, the same has not been done by the appellant.

5. There is no merit whatsoever in this appeal which is hereby dismissed. CM 4464/2015 is also dismissed.


J.R. MIDHA, J

APRIL 20, 2015/dk