

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Second Appeal No.367 of 2014
(Rajabhau Amrutrao Gondase v. Madhukarrao s/o Baliram Shirpurkar)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri Saurabh Chaudhari, Advocate for Appellant.

Coram : R.K. Deshpande, J.
Date : 13th June, 2016

The Trial Court dismissed Regular Civil Suit No.65 of 2006 for recovery of an amount of Rs.68,500/-. The lower Appellate Court has also dismissed Regular Civil Appeal No.146 of 2010. Hence, the plaintiff is before this Court in this second appeal.

The reliance is placed upon Exhibits 24 to 28, the receipts for an amount of Rs.17,000/-, Rs.13,000/-, Rs.2,500/- and Rs.36,000/- respectively. Exhibit 29 relied upon was the Hamipatra. Upon reading these documents, the Courts below have recorded the finding that the same are bonds and not receipts. For want of sufficient stamp, those are held inadmissible in evidence. The suit was for recovery of an amount, said to have been paid by the plaintiff to the defendant. In the absence of any proof of the payment of amount, the Courts below have dismissed the suit.

No substantial question of law arises for consideration.
The second appeal is dismissed.

Judge.

Lanjewar