

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Second Appeal No.614 of 2016

Judgment:

This second appeal arises out of the concurrent judgments and decrees of the two Courts for recovery of Rs.1,70,000/- with costs and future interest.

2. Heard Mr. Ch.Dhanamjaya, learned counsel for the appellant.

3. The respondent herein filed a suit for recovery of money on the ground that he paid an advance amount by way of a cheque, for the supply of some material. The material was not supplied. Before the Trial Court, the plaintiff examined himself as P.W.1 and filed 4 documents, including the current account pass book to show that payment was actually made. Though the appellant/defendant examined himself as well as another person as witnesses, he did not produce any proof to show that the material was actually supplied. Therefore, the Trial Court decreed the suit.

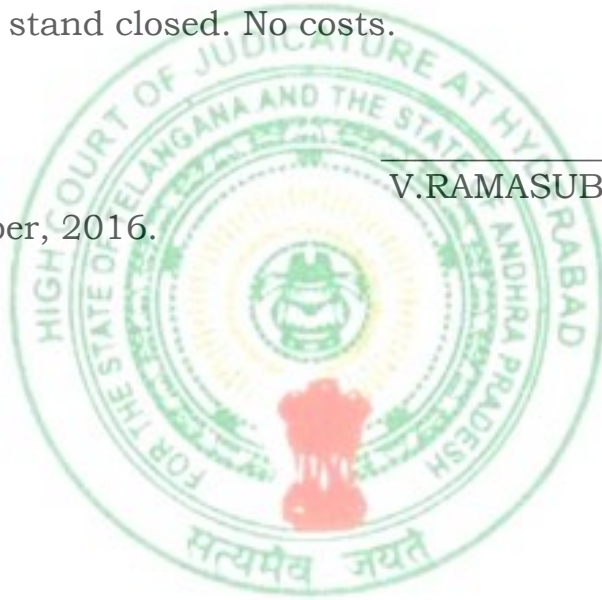
4. Even before the Appellate Court, no material was produced by the appellant to show that he supplied any material. As a matter of fact, the only contention raised in the written statement was that the plaintiff had some transactions with the defendant's brother and that the defendant's brother paid some money. Before the money was recovered, the defendant's brother died and the case of the

defendant/appellant herein was that the payment made by the plaintiff by way of a cheque was towards repayment.

5. I find absolutely no grounds to interfere with the concurrent judgments of both the Courts below. The petitioner did not lead any documentary evidence either to show that he supplied the material or to show that the amount was paid towards repayment of an amount paid by his brother. Therefore, the second appeal is dismissed. The miscellaneous petitions, if any, pending in this second appeal shall stand closed. No costs.

25th November, 2016.
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V.RAMASUBRAMANIAN, J.



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