

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

**CRM-A No.991-MA of 2011 (O&M)
Date of Decision: May 05, 2016**

Rajinder Singh

.... Applicant

vs.

Harvinder Singh @ Sundi

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: None.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

CRM-66301-2011

There is delay of 50 days in filing the present application for grant of leave to appeal.

For the reasons mentioned in the application, delay of 50 days in filing the present application for grant of leave to appeal is condoned, subject to all just exception.

Application stands disposed of.

Main Case

Again, none has appeared for the applicant. Therefore, I proceed to dispose of the matter.

File perused.

The case of the complainant is that the complainant used to invest heavy amount with the accused, who is motor mechanic by profession. After repairing and furnishing the cars, the same were

handed over to the complainant for sale. It is stated that after cropping of dispute between them, in a settlement, accused was to pay ₹2,67,000/- to the complainant. For discharge the said liability, a cheque bearing No.106299, dated 03.06.2010 amounting to ₹77,000/- was issued by the accused. When the cheque was presented, the same was dishonoured.

The lower court has held that legally enforceable debt is not proved. Neither any statement of account nor any document has been brought on record to show that the accused owned ₹2,67,000/- from the complaint. The compromise was placed on the file but it was not proved, in accordance with law. The stand of the accused was that he was detained by the police and signatures were obtained on many blank papers and cheque.

Once, it is found that legally enforceable debt is not proved by the complainant, it cannot be said that the judgment passed by the lower court is illegal or perverse. Therefore, the present application for grant of leave to appeal is dismissed.

May 05, 2016
sarita

(KULDIP SINGH)
JUDGE