

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

CRM-A 825 MA of 2015 (O&M)
Date of decision : August 23, 2016

Moti Lal Sharma

..... Applicant

v.

Mohan Lal

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sushil Kumar Verma, Advocate
for the applicant.

Ajay Tewari, J (Oral)

This is an application for leave to appeal. The applicant had filed a complaint under Section 138 of the Negotiable Instrument Act against the respondent in respect of the cheque dated 11.3.2012 for the amount of ₹ 1.50 lac. As per the applicant, he had family relations with the respondent and that is why he had advanced this amount to him, for repayment of which the respondent had issued him the cheque in question which bounced on presentation and hence the applicant had filed the instant complaint.

The trial Court noticed that the respondent had filed a complaint against the applicant and other persons for having defrauded him of huge amount on the pretext of getting him a government job wherein the applicant and other persons were summoned. Moreover, the trial Court noticed that in his cross-examination the applicant had stated that he had borrowed money from people and saved some money to buy a plot. The applicant could not answer as to how much money he had borrowed from whom and when. He could not reply as to how many people he had given loan. It was in these circumstances that the complaint was dismissed.

In my opinion, no fault can be found with the judgment of the trial Court. This seems very strange that a middle class person would collect money even by borrowing to buy a plot and then would hand over the same to a third person as loan. The other factors pointed out by the trial Court also booster the finding. In the circumstances, this application for leave to appeal is dismissed.

(AJAY TEWARI)
JUDGE

August 23, 2016
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Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No

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