

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

RSA No.2551 of 1989 (O&M)

Date of Decision: 20.05.2016

Prem Raj

. . . . Appellant

VS.

Durga Dass

. . . . Respondent

CORAM : HON'BLE MR.JUSTICE SURYA KANT

1. Whether Reporters of local papers 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?

Present: Ms. Sukhmani Tiwana, Advocate for the appellant

None for the respondents

SURYA KANT J. (ORAL)

(1). This Regular Second Appeal is directed against the judgment and decree dated 16.12.1987 whereby the Court of first instance dismissed the appellant's suit for recovery of ₹13979/- i.e. ₹10,000/- as principal amount and ₹3979/- as interest as well as against the judgment and decree dated 03.05.1989 of the First Appellate Court dismissing the appellant's appeal. Both the courts have gone into the question of fact *re*: authenticity of document Ex.DW1/A and on appreciation of the oral evidence coupled with the document Ex.P1, have concurrently held that as per the statement of PW2 the writing dated 03.08.1982 was scribed by him at the instance of appellant and that it did not bear any signature of respondent-defendant. Further statement of the witness to the effect that no amount passed on from plaintiff to the respondent-defendant in his presence has also been believed.

(2). Heard learned counsel for the appellant and record perused.

(3). The Courts below have concurrently held that the appellant-plaintiff failed to explain as to why he parted with such a huge amount on the strength of a writing on a plain paper and that too by non-professional person, more-so when the professional Deed Writers were very much available at the Court Complex at Dhuri.

(4). It may be seen from the above-stated findings of fact that no substantial question of law arises for consideration in this appeal.

(5). Dismissed.

20.05.2016

vishal shonkar

**(Surya Kant)
Judge**