

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

R.S.A.No.2466 of 2012 (O&M)

Date of Decision: May 02, 2016

Raj Kumar

...Appellant

Versus

Gurnaditta Singh

...Respondent

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE**

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: Mr.Aman Dhir, Advocate,  
for the appellant.

Mr.Harbhajan Singh, Advocate,  
for the respondent.

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**AMIT RAWAL, J. (Oral)**

CM No.6941-C of 2012

For the reasons mentioned in the application, which is supported by an affidavit, delay of 21 days in filing the appeal is condoned.

CM stands disposed of.

RSA No.2466 of 2012

Appellant-plaintiff is aggrieved of the concurrent findings of facts and law, whereby the suit seeking recovery of an amount of ₹5.00 lacs on interest @ 2% per month, has been dismissed.

Mr.Aman Dhir, learned counsel appearing on behalf of the appellant-plaintiff submits that the factum of pronote and receipt dated

16.12.2005, on the basis of which the suit was instituted, has been admitted by way of documents and, therefore, non-examination of the attesting witnesses in view of the report of the expert would pale insignificance. This aspect has totally been ignored by both the Courts below and, therefore, there is illegality and perversity and, thus, urges this Court to formulate the substantial questions of law as culled out in the memorandum of appeal.

Mr.Harbhajan Singh, learned counsel appearing on behalf of the respondent-defendant submits that the thumb impressions on the pronote and receipt were admitted by giving an explanation that the same were appended on a blank paper, the contents of which were seriously objected. The attesting witnesses did not come for cross-examination and, therefore, the respondent-defendant has been prevented from putting the cross-examination in ascertaining the truth and, thus, prays for affirming the findings of both the Courts below.

I have heard the learned counsel for the parties and appraised the paper book and of the view that there is no substance and force in the submission of Mr.Dhir that non-examination of the attesting witnesses would not be fatal. The defendant did not admit the contents of the pronote and receipt, but only explained that the thumb impressions were given on a blank paper. The attesting witnesses, if examined, would have proved the contents of the pronote and receipt as to whether it was done in the presence of the other party and the other party, on reading the contents, had appended the thumb impression. The appellant-plaintiff failed to discharge the onus and, therefore, rightly so, the suit has been dismissed.

I do not intend to differ with the concurrent findings rendered

by both the Courts below. There is no merit in the appeal. The same is accordingly dismissed.

**May 02 , 2016**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**