IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.3634 of 2012(O&M)

Date of decision:28.4.2016

Nachittar Singh ….Appellant

VERSUS

Amar Singh .....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Premjit Kalia, Advocate for the appellant.

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REKHA MITTAL, J. (Oral)

The present appeal has been directed against findings recorded by the Courts below whereby suit filed by the respondent/plaintiff for recovery of Rs.3,31,444/- i.e. Rs.1,92,700/- as outstanding balance on 01.04.1998 and Rs.1,38,744/- towards interest due on 31.03.2001 has been decreed by the learned trial Court and the findings recorded by the trial Court have been affirmed in appeal.

Counsel for the appellant would contend that entries in the account books purportedly maintained by the firm M/s Guranditta Mal Amar Singh carrying on business of a commission agent at Mandi No.2, Abohar, have not been proved in accordance with law as accountant of the firm, author of the said entries, has not been examined. It is further argued that the writing dated 01.04.1998 was procured from the appellant under pressure and duress with assistance of police officials of Police Station Abohar on the 1st day of September, 1998 but the same was ante-dated to bring the suit within limitation. The Courts below have failed to appreciate the evidence in right perspective while relying upon writing (Ex.P-102), therefore, the judgments passed by the Courts below suffer from illegality rather perversity, thus liable to be set aside.

I have heard counsel for the appellant, perused the records particularly the judgments impugned in the appeal.

The Courts have recorded concurrent findings against the appellant while upholding plea of the respondent/plaintiff that the appellant acknowledged his liability to pay the outstanding amount vide writing (Ex.P-102), besides producing on record entries made in the account books being maintained by the firm in the ordinary course of business. Assuming that the entries in the account books were not proved by its author but keeping in view the fact that acknowledgment in the shape of writing Ex.P-102 has been proved in accordance with law and on the contrary, plea of the appellant that his signatures on the writing Ex.P-102 were obtained forcibly, raised for the first time in the written statement, filed after several years of appending the signatures has rightly been rejected by the Courts below based on well founded reasoning.

Keeping in view the fact that counsel for the appellant sought to assail the factual findings recorded by the Courts below without raising any question of law much less a substantial one, I do not find any reason to accept that the appeal is liable to be admitted for hearing on merits.

No other point has been raised.

In view of what has been discussed hereinabove, finding no merit, the appeal is dismissed in *limine* with no order as to costs.

APRIL 28, 2016 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**