

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

104

Regular Second Appeal No.1355 of 2016 (O&M)
Date of Decision: May 12, 2016

Surjit Singh alias Jeet Singh

...Appellant

Versus

Ramji Lal

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Bhag Singh, Advocate
for the applicant-appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.3786-C of 2016

Prayer in this application is for condonation of delay of 125 days in filing the appeal.

The reasons mentioned therein are that initially the applicant-appellant approached the counsel without the certified copy of the judgment and decree passed by the trial Court and on the counsel having informed him to get the same, he applied for the same and on preparation thereof, took the delivery and submitted it to the counsel, who thereafter proceeded to draft the appeal and filed the same, which has resulted in the delay of 125 days in filing the appeal. The application is supported by the affidavit of the applicant-appellant.

For the reasons mentioned in the application, the same is allowed.

Delay of 125 days in filing the appeal stands condoned.

RSA No.1355 of 2016

Challenge in this appeal is to the judgment and decree dated 17.10.2013 passed by the Civil Judge (Junior Division), Ambala, whereby the suit filed by the respondent-plaintiff for recovery of ₹50,000/- along

decreed to the extent of the recovery of ₹50,000/- along with interest at the rate of 6% per annum from the date of filing of the suit till the realisation of the decretal amount, appeal against which preferred by the appellant-defendant has been dismissed by the District Judge, Ambala, on 27.04.2015.

2. It is the contention of learned counsel for the appellant that the alleged pronote is a forged and fabricated document and his signatures were obtained on blank papers on the pretext of he being projected as a witness. However, he had further taken a plea that the signatures thereon, in any case, were not with an intention to take any loan from the respondent-plaintiff. He, therefore, contends that the pronote dated 10.10.2006, cannot be made the basis for decreeing the suit for recovery. He, thus, prays that the judgments and decree as passed by the Courts below, be set aside and the suit of the respondent-plaintiff dismissed.

3. I have considered the submissions made by learned counsel for the appellant and with his assistance, have gone through the impugned judgments.

4. Perusal of the same would show that the respondent-plaintiff has been able to duly prove the execution of the pronote dated 10.10.2006 Exhibit P-1 on the basis of his own testimony as PW-1 and PW-2 Mohinder Pal. The due execution of the pronote having been proved and the plea of the appellant-defendant that it was a forged and fabricated document having not been substantiated by him, cannot be accepted, especially in the light of the fact that there is no evidence to establish the same. A plea has also been taken with regard to the signatures not being that

of the respondent-plaintiff but that would be totally contrary to the earlier stand which has been taken in the written statement, according to which the signatures were obtained on blank papers on the pretext of he being projected as a witness but that assertion has also not been found to be correct as no expert witness has been examined or produced to show that the signatures as on the pronote are not of appellant and that of some other person.

5. The findings, therefore, as recorded by the Courts below being as per the pleadings and the evidence which has been brought on record, cannot be faulted with.

6. No other point has been argued by the counsel for the appellant.

7. Both the Courts below have returned concurrent findings after properly appreciating the pleadings and the evidence brought on record by both the parties and the same cannot be interfered with as there is no perversity or illegality in the same.

8. No substantial question of law is involved in the present appeal. Therefore, finding no merit in the appeal, the same stands dismissed.

9. In the light of the dismissal of the appeal, the application for stay i.e. CM No.3787-C of 2016, stands disposed of as infructuous.

May 12, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE