IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 2608 of 2016 (O&M)
Date of Decision : 04.11.2016

Bhagwant Singh and another ....Appellants

Versus

House Fed, Punjab and others ....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Deepak Goyal, Advocate
for the appellants.

Surinder Gupta, J.

Plaintiffs-appellants sought declaration that they had re-paid the loan amount of ₹2,85,000/- alongwith due interest on 16.02.2006, which they took from defendants-respondents no. 1 to 3 and a valid receipt was issued for discharge of loan by defendant-respondent no. 4-Chet Singh @ Chet Ram, Secretary of defendant-respondent no. 3-Society. Suit was dismissed by Additional Civil Judge (Senior Division), Malerkotla with the observation that receipt dated 16.02.2006 is not duly proved and "the plaintiffs have admitted their liability in the arbitration proceedings.

2. Not satisfied, plaintiffs-appellants filed appeal, which was also dismissed by Additional District Judge, Sangrur.

3. The entire claim of plaintiffs is based on receipt dated 16.02.2006 (Ex. P-1) purported to have been issued by respondent no. 4-Chet Singh @ Chet Ram, English translation of which is as follows:-

"No Due Certificate

Certified that Bhagwant Singh and Jaswant Singh sons of Mohinder Singh, resident of village Bhatian Khurd, Tehsil

Malerkotla, District Sangrur have taken loan of ₹3 lacs from the Society through House Fed, Punjab, Chandigarh. Now the above members have returned the entire loan amount with interest. Nothing is due against these members as per record of the Society, as such, land of members lying mortgaged with House Fed, Punjab, Chandigarh be returned.

Sd/- (Chet Singh)
Amargarh Block Rural Cooperative
House Building Society Ltd.
Village Amargarh."

3. The above receipt was not admitted as genuine. In order to prove that this receipt was issued by respondent no. 4-Chet Singh @ Chet Ram, plaintiffs-appellants took his specimen signatures but did not examine any handwriting expert to prove that these signatures are of Chet Singh @ Chet Ram. Before the Arbitrator, plaintiffs admitted their liability to pay due amount of loan and both the Courts below have taken note of this fact. Award passed by the Arbitrator has not been challenged by plaintiffs. No document from the record of Society showing payment of loan was produced. In the absence of any evidence to prove payment of loan amount with interest, both the Courts below have rightly declined the relief as sought by plaintiffs. "No Due Certificate" is always issued as per record of the Society. In the absence of any record of the Society showing payment of loan amount this no due certificate has no relevance particularly when it shows the loan amount as ₹3 lacs and not ₹2,85,000/- and does not describe as to how much amount towards interest was paid by plaintiffs or mention date of payment .

4. On perusal of judgments of Courts below I find no legal or factual infirmity therein calling for interference. No substantial question of law, requiring determination, arises in this appeal, which has no merit.

Dismissed.

November 04, 2016 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/Reasoned Yes/No

Whether Reportable Yes/No