

**C.M.No.4436-C of 2016 in/and
RSA No.300 of 2016 (O&M)**

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

**C.M.No.4436-C of 2016 in/and
RSA No.300 of 2016 (O&M)
Date of decision:21.04.2016**

Gurtej Singh

...Appellant

Vs.

Kapil Chhabra

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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. Kamal Narula, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

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For the reasons stated in the application, duly supported by an affidavit, order dated 29.03.2016 is recalled and the appeal is restored to its original number.

C.M. stands allowed.

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The appellant-defendant is aggrieved of the concurrent findings of facts and law, whereby, suit instituted under Section 37 of the Code of Civil Procedure, for recovery of ₹2,70,000/- along with interest @ 6% per annum, has been decreed.

Mr. Kamal Narula, learned counsel appearing on behalf of

the appellant-defendant submits that it has been proved on record that there was earlier transaction between the father of the respondent and appellant, thus, it was a loan transaction, whereas, the respondent-plaintiff was indulging into obtaining the signatures on the blank paper. The amount of loan has been disbursed which has sought to be placed on record by way of additional evidence and the same has also been dismissed by the Lower Appellate Court, in essence, the appellant-defendant is not liable to discharge any legal liability as set out in the plaint. All these facts have not been noticed by the Courts below, thus, urges this Court to formulate the substantial questions of law, as culled out in the grounds of appeal.

I have heard learned counsel for the appellant-defendant and appraised the impugned judgments and decrees of the Courts below and of the view that had the story spelled out in the written statement been correct, nothing prevented the appellant-defendant to lodge or initiate the criminal proceedings in accordance with law with regard to alleged fraud. Promissory note Ex.P1 and receipt Ex.P2 have been proved on record, whereas, on the contrary, the appellant-defendant has not led any evidence to belie the signatures/thumb impressions on the aforementioned documents, in essence, the respondent-plaintiff has discharged the onus, as per Section 101 of the Indian Evidence Act.

In view of the aforementioned observations, I do not intend to differ with the findings rendered by both the Courts below,

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which are based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for determination of this Court.

Accordingly, the appeal is dismissed.

**(AMIT RAWAL)
JUDGE**

April 21, 2016
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