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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-3142-2015 [O&M]

Date of Decision : February 2nd, 2016

Raj Singh @ Pappu

.... Appellant

Versus

Satyabir Singh and others

.. Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

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.J.P.Sharma, Advocate,
for the appellant.

SHEKHER DHAWAN, J.

Present Regular Second Appeal is directed against the concurrent findings of both the Courts below, whereby, suit filed by plaintiff Satyabir Singh for recovery of Rs.50,370/- [Rs. 36500/- as Principal amount and Rs. 13,870/- as interest] on account of having supplied woods and on the basis of receipts issued by defendant No. 3 on 20.5.2009, 26.5.2009 and receipt issued by defendant no. 2 bearing No. 15868 mentioning the amount, was decreed by the Court of first instance vide judgment and decree dated 19.05.2014. The appeal filed by the present appellant was dismissed by learned District Judge, Narnaul vide judgment and decree dated 27.8.2014.

2. For the sake of convenience, parties are being referred to as per

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their status before the Court of first Instance.

3. Learned counsel for the appellant submitted that both the Courts below have not appreciated the evidence and material available on record and same resulted into erroneous findings of fact and hence, the same are liable to be set-aside and the appeal be accepted.

4. Having considered the submissions made by learned counsel for the appellant, this Court is of the view that the plaintiff asserted his claim on the basis of oral as well as documentary evidence and the Court of first instance after appreciating the evidence, returned the finding that the plaintiff is entitled to recover a total sum of Rs.50,370/- on account of Principal amount and interest and decreed the suit accordingly. The said findings of fact were further appreciated by the the Court of first Appeal and the present appellant remained unsuccessful. Before the Courts below, the defendant-appellant had taken the plea of denial which has not been accepted by the Courts below. The courts below have rightly recorded the observation that all the witnesses examined by the defendant-appellant have not supported the defendant's version. The plea regarding repayment having been made by the defendant-appellant was denied by Shankar [DW-2] in his cross-examination. Similarly, Amarjit [DW-3] and Suresh [DW-4] categorically deposed that no amount was paid by Raj Singh in their presence. That way, the version put forward by the defendant-appellant has been contradicted and refuted by almost all the witnesses examined by the defendant and to the contrary the claim of the plaintiff has been proved on the basis of oral as well as documentary evidence. The finding of fact recorded by the Court of first instance has been rightly appreciated by the Court of first Appeal. The concurrent

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findings of fact recorded by both the Courts below do not call for any interference by this Court. There is no substantial question of law involved in the present appeal and hence, the same is not maintainable under Section 100 of the Code of Civil Procedure. Such a view was taken by Hon'ble Supreme Court in case **Santosh Hazari Vs. Purushottam Tiwari (Dead) by LRs., JT 2001(2) SC 407.**

9. In view of the above, the present Regular Second Appeal stands dismissed *in limine*.

(SHEKHER DHAWAN)
JUDGE

February 2nd, 2016
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