

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

RSA-185-2014 (O&M)

Date of decision: 25.01.2016

Sarabjit Singh

...Appellant(s)

Versus

Kuldeep Singh

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. K.K. Saini, Advocate for the appellant(s).

JITENDRA CHAUHAN, J.

The instant regular second appeal has been preferred against the judgment and decree dated 30.07.2011, passed by the learned Civil Judge (Senior Division), Amloh (for short, 'the trial Court'), whereby, the suit of the plaintiff-appellant has been decreed; and judgment and decree dated 11.07.2013, passed by the learned Additional District Judge, Fatehgarh Sahib, (for short, the first Appellate Court), whereby, the appeal preferred by the defendant-appellant against the impugned judgment and decree dated 30.07.2011, of the trial Court, has been dismissed.

The plaintiff filed suit for recovery of Rs.2,80,000/- on the ground that the defendant had taken a loan of Rs.1,80,000/- from the plaintiff on 17.09.2003 and executed a pronote and a

receipt against the same in favour of plaintiff on 17.09.2003. The rate of was settled at 1.56% per month. The learned trial Court decreed the suit of the plaintiff.

The learned first Appellate Court affirmed all the findings recorded by the trial Court after discussing and evaluating the oral as well as documentary evidence on record and dismissed the appeal of the defendant vide impugned judgment and order dated 11.07.2013.

Hence, this appeal at the behest of the defendant.

Learned counsel for the appellant has submitted that the defendant-appellant did not secure any loan as alleged by the plaintiff, nor had he executed the alleged pronote and receipt in favour of the plaintiff. The signatures of the defendant on the alleged pronote are forged and fabricated.

I have heard learned counsel for the appellant and gone through the case file.

The plaintiff filed suit for recovery of Rs.2,80,000/-, on the ground that he had advanced a loan of Rs.1,80,000/- to the defendant on 17.09.2003. In this regard, he proved on record the pronote and the receipt as Ex.P1 and P2, respectively. The plaintiff examined Jangir Singh, the scribe of Ex.P1 and P2, who has deposed that the documents in question were scribed by him at the instance of the defendant. He further deposed that the loan in

question was advanced by the plaintiff to the defendant in the presence of Jaswinder Singh and Narinder Singh. The marginal witnesses have also put their signatures on the documents, Ex.P1 and Ex.P2. Narinder Singh, the attesting witness, who appeared as PW3, also corroborated the version of the plaintiff. He also proved Ex.P1 and Ex.P2. On the contrary, except from mere denial, no other evidence was brought on record by the defendant-appellant in rebuttal. Furthermore, the defendant neither pleaded nor proved by examining a handwriting expert that he did not sign the documents in question.

Thus, this Court is of the considered opinion that the findings returned by the learned Courts below are based on correct appreciation of facts and evidence brought on record by the parties to the lis. The impugned judgments do not suffer from any illegality or perversity, which calls for interference by this Court.

No question of law, much less substantial question of law arises in the present appeal. Hence, no interference is called for.

Dismissed in limine.

25.01.2016

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(JITENDRA CHAUHAN)
JUDGE