

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA No.4725 of 2015 (O&M)

Date of decision:12.02.2016

Nirmal Singh Harmeet Singh, Commission
Agents and another

... Appellants

Vs.

Ajmer Singh

... 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. Ashish Gupta, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

The appellant-defendants are in Regular Second Appeal against the concurrent findings of facts and law, whereby, suit for recovery of ₹7,38,000/- along with interest @ 12% per annum from the date of execution of receipts Ex.P1 and Ex.P4, till the decision of suit and future interest @ 6% per annum from the date of decision till actual realization of the entire decretal amount, has been decreed.

Mr. Ashish Gupta, learned counsel for the appellant-defendants submits that on the top of the writings dated 06.04.2007 and 06.06.2007, there is cutting. The witnesses counter signed the aforementioned documents, but on realization of the same, there is

no counter signatures. However, this fact has not been noticed by both the Courts below. The testimony of PW1 and PW2, alleged witnesses has been proved, thus, there is illegality and perversity in the findings rendered by both the Courts below, much less, substantial question of law arises for adjudication of the present appeal.

I have heard learned counsel for the appellant-defendants and appraised the impugned judgments and decrees.

I am of the view that appeal sans merit, for, same very dates have been mentioned, i.e., 06.04.2007 and 06.06.2007. There is no cutting or interpolation, therefore, defendants cannot take the benefit of alleged dark impression on the date. Moreover, no expert has been examined to disprove or tally the signatures on the receipt in the absence of the attesting witnesses. I am further of the view that despite lengthy and stiff cross examination of PW1 and PW2, execution of the receipts has not been proved.

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

February 12, 2016
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