

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

RSA-851 of 2016 (O&M)

Date of decision: 21.03.2016

M/s Om Parkash Kewal Krishan

...Appellant

Versus

Sheoni Ram and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Neeraj Gupta, Advocate
for the appellant.

Jitendra Chauhan, J. (Oral)

The suit for recovery of Rs.3,77,500/- filed by the plaintiff/respondent was dismissed by the trial Court, vide judgment and decree dated 24.12.2013.

2. Aggrieved against the findings of trial Court, the plaintiff/respondent filed an appeal which was partly accepted by the learned Appellate Court, vide judgment and decree dated 27.01.2015. Hence, the present suit at the behest of defendant/appellant.

3. It is contended by learned counsel for the appellant

that the appellant was non suited only on the ground that the evidence qua respondent No.1 to prove the payment of Rs.75105/- on the basis of the entry in bahi khata was made, however the bahis were not produced before the Courts below. The application for bringing on record the copies of rokad and khata bahi for the year 2006-07 was moved but the same was dismissed, vide order dated 14.05.2013 (wrongly written as 14.05.2003 in the judgment of trial Court), whereby the producing of certificates dated 07.06.2010 and copy of rokad and khata bahi for the year 2006-07 was never assailed by the appellant. There is no evidence on record except the bahi entry. Therefore, at this stage, the application for bringing on record account books cannot be accepted. The learned counsel has only reiterated the submissions made before the Courts below. In the considered opinion of the Court, there is no illegality and perversity in the findings recorded by the learned 1st Appellate Court.

Dismissed.

21.03.2016

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(JITENDRA CHAUHAN)
JUDGE