

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 6240 of 2014 (O&M)

Date of Decision : 27.07.2016

Chanan Singh

....Appellant

Versus

Satish Kumar

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Aseem Kataria, Advocate
for the appellant.

Surinder Gupta, J.

This is appeal against concurrent judgments of Courts below decreeing the suit of plaintiff-respondent for recovery of ₹2,30,000/- with *pendente lite* and future interest.

2. In later part of the judgment parties will be referred to as 'plaintiff' and 'defendant' as per civil suit.

3. Claim of plaintiff is based on cash vouchers (Ex. P-1 to Ex. P-6) duly thumb marked by the defendant while taking loan and was corroborated by entries in the accounts book of plaintiff, who is a commission agent.

4. The defendant contested claim of plaintiff with the plea that he had been borrowing only small amounts of ₹100/-, ₹200/- and ₹500/- only from plaintiff, which were adjusted in the price of crop sold by him. He denied taking of loan vide vouchers Ex. P-1 to Ex. P-6. About his thumb impressions on cash vouchers, the defendant alleged that he had sold his 8 *kanals* of land to Raja Ram, brother of plaintiff @ ₹5 lacs per acre. The defendant had to pay loan of mortgage bank and said Raja Ram told him that their firm and business is joint and after sale of land they will clear loan

of the defendant. In order to save payment of stamp fee, the sale deed was got executed for ₹90,000/- on assurance of Raja Ram that loan amount of the defendant will be paid to bank concerned. However, the defendant received a notice from the bank and when he demanded his balance sale consideration, plaintiff took his thumb impressions in his accounts book on the pretext of furnishing requisite income tax and sale tax statements.

4. Courts below discarded the plea taken by the defendant as the same was not corroborated by any evidence on record. Even otherwise, it is not believable that the defendant signed six vouchers relating to taking of loan of ₹10,000/- on 20.05.2005, ₹2000/- on 25.05.2005, ₹1000/- on 27.05.2005, ₹2000/- on 01.06.2005, ₹1,40,000/- on 07.06.2005 and ₹75000/- on 13.06.2005. It is not a case where thumb impressions of defendant were taken on cash book of plaintiff. No sane person will give his thumb impressions on so many documents without any reason. The defendant failed to corroborate the plea taken by him.

5. During course of arguments, learned counsel for the appellant could not make out that findings of facts recorded by Courts below are based on misreading of evidence or any material document on record has either been ignored or wrongly interpreted.

6. No substantial question of law requiring determination arises in this appeal, which has no merit.

Dismissed.

July 27, 2016

jk

(SURINDER GUPTA)

JUDGE

Whether speaking/non-speaking

Yes/No

Whether Reportable

Yes/No