

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

SECON APPEAL No.778 of 2016

JUDGMENT:

As against the concurrent findings of the Court Below in a suit for recovery of money based upon a promissory note the defendant has come up with the above second appeal.

2. Heard Mr. Sai Gangadhar Chamarty, learned counsel for the appellant.

3. The respondent filed a suit in O.S.No.29 of 2011 for recovery of money on the basis of the suit promissory note-Ex.A.1, dated 31.12.2009. The respondent examined himself as PW.1. He examined the scribe and the attester as PWs.2 and 3. The appellant herein examined six witnesses and marked four documents.

4. Interestingly, the appellant admitted the execution of the promissory note, but claimed that the execution was for some other purpose. Therefore, the trial Court rightly placed the burden upon the appellant/defendant to prove his case. He failed to discharge the burden resulting in the trial Court decreeing the suit.

5. The first appellate Court independently went into the issues, after framing three points for consideration. The first appellate Court also analysed the evidence independently and confirmed the judgment of the trial Court. I find no substantial question of law to entertain the second appeal. Therefore, it is dismissed.

6. As sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

20th January, 2017
Js.

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Date: 20-01-2017

Js.