

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

A.S. No.1417 of 1998

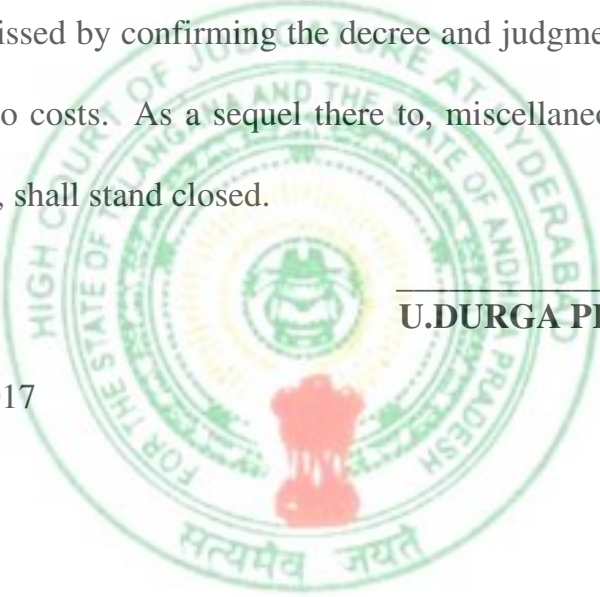
JUDGMENT:

There is no representation for either party. It is an old appeal of the year 1998.

2. The judgment of the trial Court impugned in this appeal by the appellant/defendant is in respect of a money suit filed by the respondent/plaintiff herein for recovery of Rs. 15,057/-. Plaintiff's case is that the defendant borrowed amounts in three different spells and executed pronotes under Exs. A1, A3 and A5 and those pronotes were transferred in favour of plaintiff under transfer endorsements Exs. A2, A4 and A6. The plaintiff filed the suit on the strength of the aforesaid transfer endorsements claiming that he is a holder in due course. The defendant contested the suit and admitted the borrowings under promissory notes Exs. A1 and A3, but denied execution of Ex. A5. The trial Court basing on the evidence on record, has rightly held that the defendant borrowed Rs. 2,000/- under Ex. A5 promissory note and executed the same. The other contest of the defendant was that he discharged the debts under the promissory notes covered by Exs A1 & A3, and he made payment of Rs. 9,000/- and PW-2 gave receipt under

Ex. B2 on 5.8.1980 stating that the pronote was not available with her. The said aspect was denied by the plaintiff. The trial Court basing on the evidence did not believe Ex. B2 receipt. The trial Court observed that in this case the evidence of DWs 3 & 4 was highly interested and ultimately decreed the suit in favour of the plaintiff.

3. On perusal of the entire evidence on record and the judgment of the trial Court, I find no illegality or irregularity thereof. Accordingly, this appeal is dismissed by confirming the decree and judgment passed by the trial Court. No costs. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.



U.DURGA PRASAD RAO, J

Date: 19.12.2017
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