

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

SECOND APPEAL No.49 of 2017

JUDGMENT:

Challenging a concurrent judgment and decree for money, the defendant has come up with the present second appeal.

2. Heard Mr. Challa Ajay Kumar, learned counsel for the appellant.

3. The respondent filed a suit for recovery of money based upon a promissory note. The appellant/defendant did not deny the execution of the promissory note. She claimed that she borrowed a some of Rs.10,000/- and signed a blank promissory note in the year 2002 and that the same was filled up later to lay the present suit.

4. The plaintiff examined not only himself but also three others, who are respectively the attestors of the promissory note and the scribe. The appellant/defendant examined herself as DW.1 and an independent witness as DW.2. All that DWs said was that the defendant borrowed money in the year 2002 and executed a blank promissory note.

5. On a careful analysis of the oral and documentary evidence, the Courts below came to the conclusion that the appellant/defendant, who is an employee in the Railways, would not have kept quiet after payment of money borrowed in the year 2002. I find no error of law in the decisions of the Courts below. No substantial questions of law arise for consideration in the second appeal. Hence the second appeal is dismissed.

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

JUSTICE V. RAMASUBRAMANIAN

3rd March, 2017
Js.

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

SECOND APPEAL No.49 of 2017



Date: 03-03-2017

Js.