

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

RSA No.1746 of 2015 (O&M)

Date of decision : 23.08.2017

Kulwant Singh and another

...Appellants

Versus

M/s Rulia Ram Munshi Ram and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Jain, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

The defendants are in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts.

The plaintiffs had filed a suit for recovery of ₹12,48,700/- i.e. ₹8,11,000/- as principle amount and ₹4,37,700/- as interest. The suit was filed on the basis of the account books.

The defendants in the defence admitted the dealing with the plaintiffs. The defendants asserted that they use to sell their agriculture produce through the shop of the plaintiffs concern. It was pleaded that the entries in the account books are forged and fabricated.

Learned trial Court after appreciating the evidence available on the file decreed the suit filed by the plaintiffs. Learned trial Court further relied upon a report submitted by the Handwriting and Finger Print Expert to prove that on each entry in the account books, the defendants have put

their signatures. The plaintiff himself appeared as PW2. Accountant was examined as PW3.

Appeal filed before the learned Additional District Judge was also dismissed after re-appreciating the evidence.

It may be noticed that the learned trial Court had decreed the suit with respect to ₹8,11,000/- (principle amount) alongwith interest at the rate of 9% p.a. from the date of loan till the date of filing of the suit and 6% p.a. interest from the date of decree till its realisation.

Learned counsel for the appellants has submitted that entries Ex.P13, Ex.P15, Ex.P19 and Ex.P21 are result of interpolation. He submits that in the entry Ex.P13 in the account books, signatures of defendants do not match/tally with their standard signatures. With respect to entries Ex.P15, Ex.P19 and Ex.P21, it is the assertion of the counsel for the appellants that the figures have been changed by adding zero subsequently.

I have carefully considered the submission. However, it is not permissible for this Court to reverse a concurrent findings of fact on this aspect. The Courts below have examined the evidence including the plea of material alteration and interpolation. Both the Courts have recorded a concurrent findings of fact on this aspect. Counsel for the appellants has not been able to show any misreading of evidence.

Learned counsel for the appellants has further submitted that the First Appellate Court has erred in recording that the defendants have not disputed their signatures at certain entries.

I have carefully examined the aforesaid submission. There is some substance in it. However, it is proved on the file that the entries are

signed by the defendants. Even Handwriting and Finger Print Expert have opined that the signatures of defendants exist on each entry.

In view thereof, I do not find any reason to interfere with the concurrent findings of fact arrived at by the Courts below.

Appeal is dismissed.

23.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No