

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.3620 of 2016 (O&M)

Date of decision: 26.09.2017

Ajit Singh

..... Appellant

Versus

Sarika

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. J.P. Sharma, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Defendant is in regular second appeal against the concurrent finding of fact arrived at by the Courts below.

Plaintiff had filed a suit for recovery of ₹ 1,00,000/- as principal and ₹ 71,733/- as interest. It was the case of the plaintiff that the amount was given as a loan to the defendant through a cheque.

Defendant appeared and stated that he was having a dealing with the father of the plaintiff and this amount was with respect to sale of mustard crop.

Learned trial Court after appreciating the evidence available on the file decreed the suit filed by the plaintiff. Learned trial Court decreed the suit to the extent of ₹ 1,43,333/- along with pendente lite interest @ 8% and after the decree @ 6% on the principal amount.

Appeal filed before the First Appellate Court was also dismissed after re-appreciating the evidence available on the file.

Learned counsel for the appellant has submitted that once it is proved on the file that the plaintiff and the defendant had no acquaintance, therefore, it must be assumed that the payment was with regard to the crop sold by the defendant through the shop of the plaintiff.

I have considered the submission. However, I do not find any merit in the same. Defendant had set up a case that the payment was with regard to the crop sold by him through the shop of the father. However, defendant has failed to produce any evidence in this regard. Defendant has neither produce J-forms which are issued by the grain market nor summoned the books of accounts of the firm being run by the father of the plaintiff.

In these circumstances, I do not find any good ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

26.09.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No