

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

RSA No.3860 of 2015
Date of decision: 04.12.2017

Shamsher Singh

..... Appellant

Versus

Nirmala Devi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Pankaj Bali, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in regular second appeal against the concurrent finding of facts arrived at by both the Courts below dismissing the suit for recovery of Rs.85,810/- along with interest.

Plaintiff filed a suit for recovery with the assertion that late Sh. Himanshu Pal had borrowed a sum of Rs.70,000/- and issued a post dated cheque in lieu thereof. It is not disputed that Himanshu Pal died on 02.11.2007. The suit was filed by impleading mother and brother of Himanshu Pal. In the written statement, defendants totally denied the borrowed of any amount. Both the Courts after appreciating the evidence available on the file dismissed the suit.

Learned Courts noticed that the cheque was presented when Himanshu Pal had already died. Both the Courts have further noticed that it is the case of the plaintiff that payment of Rs.70,000/- was paid in the presence of two witnesses Sanjiv Dhiman and Kamal Ahlawat. Both the

witnesses have not been produced in the Court.

Taking into consideration the finding of fact arrived at by the Courts below which is neither shown to be erroneous nor perverse, this Court does not find any good ground to interfere with the orders passed by the Courts below.

Appeal is dismissed.

04.12.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No