

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

**RSA No.5369 of 2015 (O&M)
Date of Decision: March 30, 2017**

Ranbir Singh ..Appellant(s)

Versus

Nachhatar Singh (deceased) through his LRs ...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. S.S. Sia, Advocate
for the appellant.

ANITA CHAUDHRY, J.

CM-12782-C-2015

For the reasons set out in the application, same is allowed
as prayed for and delay of 43 days in filing the appeal is condoned.

RSA No.5369 of 2015

This is the defendant's second appeal aggrieved by the
judgments of both the Courts below.

Few facts are necessary. Nachhatar Singh - plaintiff filed
a suit seeking recovery of principal sum of Rs.62,400/- along with
interest of Rs.44,928/-. The suit was filed in January, 2002 on the plea
that the defendant had borrowed the principal amount in January, 1999
to purchase and for repair of the Combine and had executed a receipt
and a pronote on the same day in the presence of marginal witnesses.
He had also agreed to pay interest @ 24%. The defendant failed to
return the amount and was putting off the plaintiff on one pretext or the

other.

The defendant denied the execution of the pronote and took the plea of limitation.

The Court noted that the defendant had admitted that he had signed the documents after reading the contents. He admitted that document Ex.P1 was in the same ink. The Court also observed that the defendant had not approached the police to lodge a complaint that the pronote was forged and fabricated. Considering the evidence, the suit was decreed for recovery of the principal amount of Rs.62,400/- and interest @ 9% was allowed pendente lite and future interest @ 6% from the date of decree till realization.

The appeal filed by the defendant was dismissed as the first Appellate Court noted that the bald statement of the defendant was not sufficient to ignore the evidence especially when he had admitted his signatures.

I have heard the counsel for the appellant at length.

The defendant was disputing the pronote. He did not take any steps to examine any Expert. I find no reason to take different view. No substantial question of law arises. It cannot be said that the evidence was not correctly appraised.

The appeal is dismissed in limine.

March 30, 2017
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No