

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

**RSA No.2411 of 2017 (O&M)
Date of Decision: 25.10.2017**

Mata Luxmi Devi Rice Mills and another

... Appellants

Versus

M/s. Kaur Sain Amar Nath

... Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Vishal Deep Goyal, Advocate,
for the petitioners.

ANIL KSHETARPAL, J. (ORAL).

The defendants/appellants are in Regular Second Appeal against the concurrent finding of fact arrived at by the Courts below.

The plaintiff had filed a suit for recovery of Rs.2,70,000/-, which included interest upto the date of filing the suit. The suit was filed on the basis of account books. The defendants contested the suit on the ground that the suit is barred by limitation and mis-joinder and non-joinder of the parties. The defendants further contested the suit on the ground that some payment was made to one late Sh. Amar Nath, who died on 03.05.2010.

Both the Courts below after appreciating the evidence, have found that the plaintiff has proved its case and the defence taken by the defendants is not established on the file.

Learned first Appellate Court also relied upon the statement of Vikas Gupta, who appeared as DW1. He has produced on file receipt Ex.D2

where the closing balance is mentioned as Rs.1,94,511/-. He also admitted that on the receipt Ex.D2, it has been mentioned that Dharam Pal had received Rs.1,94,511/- on behalf of the plaintiff concern.

Learned Court further noted that Vikas Gupta, who appeared as DW1 has admitted his signatures on Form 16–A, Ex.P38. Taking into consideration these facts, both the Courts below have concurrently recorded a finding while decreeing the suit.

Learned counsel for the appellant, although tried to argue the case vehemently, however, he could not point out any substantive error in the judgements passed by the Courts below.

Both the Courts below have recorded a finding of fact on appreciation of evidence, which is not shown to be erroneous.

Taking into consideration the aforesaid fact, this Court does not find any good ground to interfere with the concurrent finding of fact arrived at by the Courts below.

The appeal is dismissed.

(ANIL KSHETARPAL)
JUDGE

25.10.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No