

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

RSA No.3863 of 2017 (O&M)
Date of decision: 29.08.2017

Piara Singh and another

..... Appellants

Versus

Satnam Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Akhilesh Vyas, Advocate
for the appellants.

ANIL KSHETARPAL, J. (ORAL)

CM Nos.9640-41-C of 2017

There is a delay of 240 days in filing and 48 days in re-filing the appeal.

For the reasons mentioned in the applications, the same are allowed and the delay of 240 days in filing and 48 days in re-filing the appeal is condoned.

RSA No.3863 of 2017

Defendants are in Regular Second Appeal against the concurrent finding of fact arrived at by the Courts below.

Plaintiff filed a suit for recovery of ₹ 1,66,200/- i.e. ₹ 1,20,000/- principal and ₹ 46,200/- as interest. The suit filed by the plaintiff was on the basis of pronote executed by the defendants on 30.11.2011.

Defendants contested the suit. It was pleaded that the plaintiff is a Nambardar of village and has good relation with Deed Writer-Lajwant Singh Vohra. It was pleaded by the defendants that the plaintiff and the said Deed

Writer told the plaintiff that they can get old age pension and on that pretext,

thumb impressions and signatures of the defendants were obtained. The defendants denied borrowing of the amount.

Satnam Singh-plaintiff appeared as PW-2 whereas Deed Writer-Lajwant Singh Vohra was examined as PW-1.

After examining the evidence, learned trial Court decreed the suit for recovery of principal amount i.e. ₹ 1,20,000/- along with interest @ 6% per annum w.e.f. 30.11.2011 till realization.

Defendants filed the first appeal. Learned First Appellate Court after re-appreciating the evidence available on the file dismissed the appeal filed by the defendants.

Learned counsel for the appellants has reiterated the plea taken by the defendants in the written statement that the thumb impressions and signatures were taken on the blank pronote and receipt on the pretext that they can get the old age pension released for the defendants. I have seen the pronote. Pronote is on a printed form. The pronote also bears revenue stamps. Both the defendants have put their thumb impressions. One of the defendant has also signed. Therefore, there is no force in the argument of learned counsel for the appellants. The pronote is in the Gurmukhi script (Punjabi). The printed form of pronote and receipt is not used for applying pension.

For the reasons recorded above, I do not find any good ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

(ANIL KSHETARPAL)
JUDGE

29.08.2017
Dinesh Bansal

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No