

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Civil Revision No.172 of 2016**

S.A. Naim S/o Shri S.A. Halim, aged about 35 years, R/o In Front of Raidas Mandir Gali, Talapara, Bilaspur, Tahsil-Bilaspur, Civil & Revenue District-Bilaspur (CG)

----Applicant**Versus**

Bhagwan Das S/o Shri Mathura Das, aged about 75 years, R/o Bhagwan Cloth Stores Khaparganj, Bilaspur, Tahsil-Bilaspur, Civil & Revenue District-Bilaspur (CG)

---- Respondent

For Applicant	:	Mr.P.M.Shriwas, Advocate
For Respondent	:	Mr.A.R.K.Rao, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/08/2018**

1. The plaintiff filed a suit for recovery of ₹ 2925/- against the applicant/defendant. The trial Court after appreciating documentary evidence available on record came to the conclusion that Exs.P/1 to P/4 are carbon copies of the original receipt and original bill book has not been produced, therefore, transaction is suspicious, which has been reversed by the First Appellate Court by granting decree in favour of the respondent/plaintiff. Feeling aggrieved against that judgment and decree, the present civil revision has been filed by the applicant/defendant.
2. Learned counsel for the applicant/defendant would submit that the First Appellate Court is absolutely unjustified in reversing the decree of the trial Court granting in favour of the

applicant/defendant.

3. On the other hand, learned counsel for the respondent would support the impugned judgment and decree.
4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the records with utmost circumspection.
5. Exs.P/1 to P/4 are carbon copies of original receipt which have been allowed to be exhibited by the trial Court without any objection by the defendant. The defendant was also served with the notice Ex.P/5, but it has not been replied by him. On the basis of above, the First Appellate Court has reached to the conclusion that transaction is real and it is not suspicious and granted decree in favour of the plaintiff.
6. In the considered opinion of this Court, finding recorded by the First Appellate Court is the finding of fact based on material available on record. I do not find any illegality in the said finding.
7. Consequently, the civil revision deserves to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-