

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

SECOND APPEAL NO.877 OF 2013

JUDGMENT:-

This Second Appeal is taken up for hearing on the admission of the Appeal.

Heard the learned counsel for the appellant.

This court notices that the suit is filed for recovery of a sum of Rs.60,000/- said to be due on a promissory note. After trial, the trial court granted a decree on 26-03-2010. The trial court in the course of its judgment clearly held that the execution of the promissory note was proved. The essential defence raised by the defendant was that as the suit amount is more than Rs.20,000/-, it can only be paid by way of a cheque or demand draft and he also highlighted the fact that the witness(plaintiff) admitted that this amount lent is not reflected in the income tax returns. In addition to that, it was also submitted in the lower court that PW.1 stated in his cross examination that it is not true to suggest that the defendant borrowed a sum of Rs.60000/- from him under Ex.A-1 promissory note. Basing on these, the learned counsel for the appellant argued that there are matters to be decided in the appeal and that a substantial question of law has arisen.

This court notices that both the trial court and first appellate court went into all the aspects/issues carefully

and passed a reasoned order. Appreciation of a fact is not a question of law. No perversity in the appreciation is also made out. Both the courts gave a concurrent finding that the execution of the promissory note is proved and held that the plaintiff is entitled for a decree as prayed for.

This court, after hearing the learned counsel for the appellant and considering the submissions, is of the opinion that there are no questions of law let alone substantial questions of law that arise for consideration by this court.

Hence, the Second Appeal is rejected. No costs. Miscellaneous Petitions pending, if any, shall stand closed in consequence.

26-12-2018
TSNR

D.V.S.S.SOMAYAJULU,J

