

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.233

CRM-A-748-MA-2016 (O&M)

Date of decision : 11.10.2018

Yogesh Kumar

..... Appellant

VERSUS

Dharam Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Viney Saini, Advocate for
Mr. G.S. Nagra, Advocate, for the appellant.

SUDHIR MITTAL, J. (Oral)

The appellant had entered into an agreement dated January 2012, to purchase some land from the respondent's father. Consequently, he paid a sum of Rs.7.5 lacs as earnest money. The target date for execution of the sale deed was fixed as 25.10.2012. However, on that date, the father of the respondent expressed his inability to sell the land and requested the appellant to take his earnest money back alongwith interest. Consequently, a cheque was issued by the father of the respondent for a sum of Rs.8,10,619/-. The said cheque was dis-honoured and therefore, a complaint under Section 138 of the Negotiable and Instruments Act, 1881, was filed. Vide the impugned judgment dated 06.01.2016 passed by JMIC, Yamuna Nagar at Jagadhri, the said complaint has been dismissed.

The trial Court has held that even if the story of the complainant was believed in totality, the liability to re-pay the amount of Rs.7.5 lacs alongwith interest was that of the father of the respondent and not that of the respondent. It has also been held that the story of the complainant is not believable as the agreement to sell of January 2012, has not been produced on record. On the contrary, the respondent has adduced evidence to show that he was purchasing poultry products from the appellant

and two cheques had been given to the appellant as security. Thus, it has been found that the presumption against the accused person had been rebutted successfully.

Learned counsel for the appellant has not been able to point out any error, illegality or perversity in the aforementioned judgment. Thus, I do not find any ground to interfere therewith.

The appeal is accordingly, dismissed.

(SUDHIR MITTAL)
JUDGE

11.10.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No