

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

107

RSA-4983-2009 (O & M)
Date of Decision:26.10.2018

Murti Devi

...Appellant

Versus

Sanjiv Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Sidhu, Advocate
for the appellant.

Mr. Vivek Suri, Advocate
for the respondent.

ANIL KSHETARPAL, J.(Oral)

CM-6522-C-2010

Allowed as prayed for.

Main Case.

Defendant-appellant is in the regular second appeal against the concurrent findings of fact arrived at by both the Courts below while decreeing the suit for recovery of the principal amount along with interest. The suit was filed on the basis of a pronote and receipt dated 10.03.2003. In order to prove the pronote, marginal witness namely Vinod Kumar was examined as PW-2. Defendant claimed that this pronote is forged and fabricated as plaintiff is a Commission Agent. Defendant did not lead any evidence, both the Courts after examining the evidence have decreed the suit.

Learned counsel appearing for the appellant while drawing

attention of the Court to photocopies of the pronote has pointed out that

name of Murti Devi has been written only under one thumb impression and not under two other thumb impressions. He further submitted that name of Murti Devi has been written with a different pen. It may be noted that there are total three thumb impressions on the pronote and the receipt. Two have been affixed on the revenue stamps whereas only one is on the vacant space. There was only scope to write name of the defendant-appellant under the thumb impression which was put on the vacant space. Still further since the defendant has led no evidence, various presumptions as available under Section 118 of the Negotiable Instruments Act, 1881 does not stand rebutted.

In view thereof, there is no ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Regular second appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

26.10.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No