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

**RSA No.205 of 2013 (O&M)**
**Date of Order: 31.10.2018**

**Khushal Chand ..Appellant**

**Versus**

**Lal Chand and another ..Respondents**

**RSA No.284 of 2013 (O&M)**

**Khushal Chand ..Appellant**

**Versus**

**Lal Chand and another ..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Sanjiv Gupta, Advocate,
for the appellant.

Mr. Ashok Verma, Advocate,
for the respondents.

**ANIL KSHETARPAL, J(Oral)**

Defendant-appellant has filed these two appeals i.e. Regular Second Appeal No.205 of 2013 and Regular Second Appeal No.284 of 2013 against the judgment passed by the learned first appellate court deciding two appeals, one filed by the plaintiff and second filed by the defendants arising from a single suit for recovery.

Learned trial court partly decreed the suit only for Rs.9721/-, whereas learned first appellate court has decreed the suit with respect to amount of Rs.2,15,200/- along with 6% interest.

Learned counsel for the appellant submitted that the stand of the plaintiffs is contradictory inasmuch as in paragraph 6 of the plaint, it has been pleaded that on 24.06.2002, a sum of Rs.2,15,200/- was advanced. He further submitted that when the plaintiffs appeared in evidence, they deposed that the aforesaid amount was in fact a carried forward balance of the amount due on settlement of accounts. Learned counsel further submitted that account books prior to the year 2002-2003 have not been produced.

In the present case, defendants took a stand totally denying any loan transaction. In evidence, plaintiff produced on file Ex.P1, an entry in the books of account confirming balance of Rs.2,15,200/-, signed on the revenue stamp affixed by the defendant-appellant who with his own hand has also written the amount of Rs.2,15,200/-.

When defendant appeared in evidence, he admitted that he had a dealing with the plaintiffs and he has signed the entry of Rs.2,15,200/-. Still further even subsequent entries i.e. Ex.P4 to Ex.P17 have been signed by the plaintiffs. It may be noted that in paragraph 6, plaintiff has stated details of the amount due with entry of 24.06.2002 for Rs.2,15,200/-. If one reads complete paragraph 6, it is apparent that after the defendant-appellant had sold the crop of mustard worth Rs.10709/-, the balance was arrived at Rs.2,15,149/-. Thus, there is no contradiction in the pleadings and evidence produced.

Learned counsel for the appellant further submitted that the account books before 2002-2003 have not been produced.

This has been explained by the plaintiffs as they have has submitted that his father was running commission agent firm who died on 13.05.2004 and account books for the previous years have been lost and he had lodged a Daily Diary Report (DDR). In any case, once the defendant-appellant has admitted his signatures on the revenue stamp pasted in the account books and has written with his own hand the balance amount of Rs.2,15,200/-, there is no reason to doubt the correctness of the entry made in the account books.

In view thereof, this court does not find any good ground to interfere.

The regular second appeals are dismissed.

**October 31, 2018** **(ANIL KSHETARPAL)**
**nt** **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No