

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

RSA No.1865 of 2016 (O&M)

Date of decision : 25.07.2018

M/s Hindco Impex

...Appellant

Versus

M/s Samachar Jagat and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Hemen Aggarwal, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.4946-C-2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 193 days in filing the present appeal is condoned.

Application is allowed.

CM No.4945-C of 2016

Application is allowed.

Exemption as prayed for is granted.

Main Case

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below while dismissing the suit for recovery of ₹3,60,100/-.

The defendants-respondents contested the suit and took a plea

that the parties had settled their accounts and a deed of compromise was signed towards a full and final payment and ₹1,95,000/- was paid.

Both the Courts below after examining the evidence available on the file have recorded the concurrent findings of fact that the aforesaid deed of compromise, which is in writing-Ex.D1, is proved on file and one witness namely Nirmal Kumar has also been examined as DW1.

In view of the aforesaid findings which are neither shown to be perverse nor result of mis-reading or non-reading of the evidence, this Court does not consider that the judgments passed by the Courts below require any interference in exercise of powers of second appeal.

Regular Second Appeal is dismissed.

25.07.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No