

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

**RSA No.1949 of 2016 (O&M)
Date of Decision.21.11.2018**

M/s Master Bhatti & Sons Commission agents

...Appellant

Vs

Daljit Singh

...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Amandeep Chhabra, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

C.M. No.5188-C of 2016

For the reasons stated in the application, delay of 58 days
in re-filing of the appeal is condoned.

Application is allowed.

RSA No.1949 of 2016

The appellant-plaintiff has not been successful in laying
claim for recovery of ₹9,07,437/- including principal amount of
₹8,85,000/- and ₹22,437/- as interest @1% per month from
24.03.2009 to 15.05.2009 on the basis of signature/thumb impression
of the defendants on *bahi* entries.

Learned counsel for the appellant submitted that
signature/thumb impression of defendant had been proved through
the testimony of PW4, handwriting expert, which has gone
unrebutted. In these circumstances, suit was liable to be decreed.

I am aforesaid argument is not sustainable, in view of the
provisions of Section 34 of the Indian Evidence Act, which reads as

under:-

“34. Entries in books of account including those maintained in an electronic form when relevant.—

Entries in books of accounts including those maintained in an electronic form, regularly kept in the course of business, are relevant whenever they refer to a matter into which the Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.”

Except aforementioned statement, no other documentary evidence placed on record to establish the advancement of loan. In the absence of the same, I do not find any illegality and perversity in the concurrent finding of fact rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out.

Resultantly, the second appeal is dismissed.

**(AMIT RAWAL)
JUDGE**

November 21, 2018

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No