

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

RSA No.3303 of 2016 (O&M)
Date of Decision : 26.10.2018

Rajbilambar Singh Brar

..... Appellant

Vs.

Jaspal Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Yaseen Sethi, Advocate for
Mr. H.S.Jakhal, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgment of the lower Appellate Court reversing that of the trial Court and thereby decreeing a suit filed by the respondent for recovery of money which as per him he had led to the appellant and in consideration for which the appellant had executed a pronote. The trial Court dismissed the suit on the following grounds :-

- 1. The respondent and the two attesting witnesses all belong to different places.*
- 2. The respondent had admitted that he had never studied with the appellant.*
- 3. The respondent had admitted that he did not withdraw the amount of Rs.4,50,000/- either from the bank nor did he take from his Ahrti-Commission Agent.*

In the view of the trial Court these circumstances dis-entitled the respondent from a decree. The lower Appellate Court on the other hand held that once the appellant was not able to disprove his thumb impression on the pronote a presumption had arisen in favour of the respondent and the evidence regarding the different places of the residence of the parties and the witnesses or the admission of the respondent that he did not withdraw the money from the bank or from his *Ahrtia* were not enough to rebut that presumption.

Counsel has not been able to show me how these findings are so perverse or based on no evidence as to render them liable for interference in second appeal.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

26.10.2018

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No