

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

RSA No.3734 of 2016(O&M)

Date of decision: 25.7.2018

B.S. Brar and another

....Appellants

VERSUS

M.R. Mittal and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Avnish Mittal, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby the suit for recovery of Rs.32,580/- on account of failure of the appellants to make payment of supplies made vide three bills, detailed in para 2 of the judgment of trial Court was decreed by the trial Court holding the respondents entitled to recover the said amount of Rs.32,580/- along with interest at the rate of 9% per annum from the date of filing of suit till date of decree and future interest at the rate of 6% per annum from the date of decree till realization on the principal amount of Rs.32,580/-. The judgment and decree passed by the trial Court came to be affirmed in appeal filed by unsuccessful defendants/appellants.

Counsel for the appellants would urge that the trial Court in para 14 of the judgment, in its later part has held that the plaintiff has placed on record Ex.P12 which is an acknowledgment by the defendants by which they have admitted receipt of material. It is argued that the

document Ex.P12 cannot form the basis for decreeing the suit of the respondents/plaintiffs.

I have heard counsel for the appellants, perused the paper-book particularly the judgments passed by the Courts but find that the appeal sans merit and is liable to be dismissed.

Perusal of the findings of trial Court particularly the observations made in para 14 thereof would make it evident that the Court has not only relied upon acknowledgement Ex.P12 but also various other documents produced on record with regard to supply of materials to the appellants/defendants of which the payment remains due. Counsel for the appellants has not disputed that the defendants had been receiving supplies from the respondents/plaintiffs and there were business dealings between the parties.

Counsel for the appellants has failed to point out any materials in order to convince this Court that consistent findings recorded by the Courts suffer from an error much less perversity warranting intervention in exercise of jurisdiction in Second Appeal.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

JULY 25, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no