

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

**RSA No.2711 of 2015
Date of Decision.14.05.2018**

M/s Ram Saroop Davinder NathAppellant

Vs

BhaguRespondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sarju Puri, Advocate
for the appellant.

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AMIT RAWAL J.(ORAL)

The appellant-plaintiff is aggrieved of the concurrent finding of fact whereby the suit for recovery of ₹68,356/- owing to having loan transaction dated 10.10.2006 has been dismissed by both the Courts below.

Mr. Sarju Puri, learned counsel appearing on behalf of the appellant submitted that the books of account had been produced on record, which showed that outstanding amount against the respondent-defendant as on 10.10.2006 was ₹68,356/- whereas the suit was filed on 12.10.2009, therefore, it was within limitation.

In fact, PW2, Gurcharan Singh has proved on record that the defendant had encashed the cheque issued by the appellant-plaintiff and the account statements had been proved on record, therefore, there is illegality and perversity.

I have heard learned counsel for the appellant, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Puri, for, as per provisions of Section 34 of the Indian Evidence Act, accounts books are not conclusive piece of

evidence. There has to be corroborative and attenuating circumstance.

It has not come on record that the testimony of PW2 was related to very same transaction or the cheque paid by the plaintiff to the defendant pertained to the same very transaction. The onus was heavily on the plaintiff which had not been discharged as per the provisions of Section 101 of the Indian Evidence.

In view of the aforementioned, the argument of Mr. Sarju Puri has not been able to bring the case within the realm of illegality and perversity, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

May 14, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No