

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

R.S.A.No.4931 of 2016 (O&M)

Date of Decision: November 16, 2018

Surinder Kumar & another

...Appellants

Versus

Harbhajan Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

**Present: Mr. L.S.Sidhu, Advocate,
for the appellant.**

AMIT RAWAL, J.(Oral)

Appellant-defendants have not been successful in defending the decree of ₹ 3,50,000/- containing element of interest @ 9% per annum from 1.12.2010 till decision of suit and future interest @ 6% per annum till actual realization, which was claimed on behalf of the plaintiff on the basis of agreement dated 07.12.2010.

Appellant-defendants filed the written statement and opposed the suit, but thereafter proceeded ex-parte.

In the ex-parte evidence, the plaintiff proved the averments in the plaint enabling him to seek recovery. No effort was made before the Lower Appellate Court to move an application for additional evidence to belie the documents of the plaintiff in order to enable the Court to form a different opinion or to make out a case of perversity. Even in this court also, no such effort has been made. In view of such matter, I am of the view that the findings are based on the appreciation of ex-parte evidence led on behalf

of the plaintiff, which has been proved to the hilt.

As an upshot of the aforementioned discussion, I do not find any illegality or perversity in the concurrent findings, which are based on appreciation of evidence. No ground for interference is made out, much less involvement of any substantial question of law. Resultantly, the appeal is dismissed.

November 16, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No