

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

RSA No.376 of 2015 (O&M)

Date of decision:21.05.2018

Gurmeet Kaur

... Appellant

Vs.

Ajit Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. K.S.Sandhu, Advocate, for
Mr. K.S.Dhillon, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-defendant is in Regular Second Appeal against the concurrent findings of facts and law, whereby, suit of the respondent-plaintiff for recovery of ₹1,49,600/- on account of dis-honouring the cheque dated 16.08.2005, has been decreed by the trial Court and affirmed by the Lower Appellate Court.

Concededly, the respondent-plaintiff instituted the suit as well as complaint under Section 138 of Negotiable Instrument Act.

Learned counsel appearing on behalf of the appellant-defendant submits that once the appellant-defendant had been acquitted in the proceedings initiated under Section 138 of Negotiable Instrument Act, the Court below erred in law in ignoring Ex.D2, i.e. certified copy of statement of plaintiff in criminal case, therefore, there is abdication, much less illegality and perversity in the findings under challenge.

I have heard the learned counsel for the appellant-defendant, appraised the impugned judgments and decrees of both the Courts below and of the view that the finding of the Criminal Court is not binding upon the Civil Court. The appellant-defendant had not been able to discharge the onus under what circumstances the cheque was issued and even no counter claim was set up by the appellant. In such circumstances, the Courts below rightly drew the inference that cheque was issued in lieu of discharge of some liability. This is what the import of judgments and decrees of the Courts below.

As an upshot of my findings, I do not find any illegality and perversity in the judgments and decrees of the Courts below which are based upon the appreciation of oral and documentary evidence, much less no substantial question of law arises for adjudication of the present appeal.

No other argument has been raised.

Accordingly, the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

May 21, 2018

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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No