

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

**RSA No.4314 of 2015**

**Date of Decision : 14.05.2018**

**Daulat Ram**

**.....Appellant**

**Versus**

**Balram Singh**

**..... Respondent**

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr.R.V.S. Chugh, Advocate for the appellant.  
Mr. Manjit Singh Uppal, Advocate for the respondent.

**ARUN PALLI, J. (Oral)**

Suit filed by the plaintiff was decreed by the trial Court vide judgment and decree dated 16.04.2013, and even the counter claim preferred by the defendant was decreed for recovery of Rs. 10,000/- with interest. Concededly, the plaintiff never filed any appeal against the decree accepting the counter claim of the defendant. Whereas in the appeal preferred by the defendant, the Ist Appellate Court vide judgment and decree dated 13.08.2014, set aside the decree rendered by the trial Court and dismissed the suit. This is how, the plaintiff is in Regular Second Appeal.

In brief, a suit for recovery of Rs.89,000/- was filed by the plaintiff i.e. Rs.66,000/- towards principal and Rs.23,000/- on account of interest. On a consideration of the matter in issue and the evidence on record the Ist Appellate Court concluded that although the suit of the plaintiff was based upon a pronote Ex.P1 and receipt Ex.P2, alleged to have been executed by the defendant, but none other than the plaintiff

himself conceded in his cross-examination that the columns regarding passing of consideration amount were blank in the pronote as also the receipt. Further he and his brother Tara Chand were co-owners of the firm and would issue slips to the farmers, who would sell their crop through their firm, as regards their accounts. Significantly, the defendant proved on record the slips Ex.D1 to Ex.D4, which the plaintiff conceded were issued by his brother Tara Chand, which rather proved that defendant had cleared all pending accounts and dues. Even in the counter claim set out by the defendant it was clarified that post adjustment of all pending accounts between the parties, rather the defendant required to recover a sum of Rs.10,000/- from the plaintiff. And, as indicated above, the trial Court had decreed the counter claim. The plaintiff never chose to file any appeal against the said decree.

On being pointedly asked, learned counsel for the appellant could not refer to anything on the record to show if the conclusion recorded by the trial Court was either contrary to the record or suffered from any material illegality.

Thus, no question of law, much less any substantial question of law, arises for consideration in the present appeal. The same being devoid of merit is accordingly, dismissed.

14.05.2018

*Manoj Bhutani***( ARUN PALLI )  
JUDGE**Whether speaking/reasoned  
Whether reportableYes/No  
Yes/No