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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 6106 of 2016 (O&M)
Date of decision: 10.5.2018

Charanjit Singh **… Appellant**

Versus

Mangat Ram **… Respondent**

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. K.D.S.Hooda, Advocate
for the appellant.

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ARUN PALLI, J. (Oral)

The suit filed by the plaintiff was decreed by the trial court, vide judgment and decree dated 23.10.2015. As even the appeal preferred against the said decree failed, and was dismissed on 31.5.2016, the defendant is in Regular Second Appeal. Parties to the lis, hereinafter, shall be referred to by their original positions in the suit.

The plaintiff filed a suit for recovery of Rs. 9,52,000/-, i.e. Rs. 7,00,000/- towards principal amount that was borrowed by the defendant from the plaintiff through pronote and receipt, dated 2.6.2008, and Rs. 2,52,000/- as interest @ 12% from 2.6.2008 to 1.6.2011, along with future interest.

On a consideration of the matter in issue and the evidence on record, both the courts concurrently concluded that the plaintiff duly proved the execution of pronote and receipt, dated 2.6.2008, by the defendant on receipt of the amount, i.e. Rs 7,00,000/-. He proved the original pronote and receipt as Ex. P1 and Ex.P2. He appeared as his own witness as PW1, and duly substantiated his claim. Kishan Lal (PW2), who happened to be a

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marginal witness to the receipt, was also examined, who testified in his deposition that the receipt (Ex. P1), was executed by the defendant on receipt of Rs. 7,00,000/-, which he borrowed from the plaintiff. Likewise, Kulwant Rai Joshi, Deed Writer, (PW3), also deposed that he scribed the pronote as also the receipt in favour of the plaintiff, pursuant to the instructions of the defendant. Even in his examination-in-chief, he maintained that entries in this regard were duly entered in the register at Sr. No. 372 on 2.6.2008 itself, and proved a copy of the relevant entry in his register as Ex.PW3/A. The plea of fraud and misrepresentation set up in defence by the defendant, remained unsubstantiated for lack of evidence. Thus, the case of the defendant that the plaintiff obtained his signatures on blank papers and prepared the pronote as also the receipt subsequently was refuted. Particularly, when the plaintiff had fully substantiated his claim. On being pointedly asked, learned counsel for the appellant could not show as to how, the findings recorded by both the courts were either contrary to the record or suffered from any material illegality.

Thus, no ground is made out to interfere with the concurrent findings recorded by both the courts. No question of law, much less any substantial question of law, arises for consideration. The appeal being devoid of merit, is accordingly dismissed.

10.5.2018 **(ARUN PALLI)**
AK Sharma **JUDGE**

Whether speaking / reasoned: YES
Whether Reportable: NO