

As per the case of plaintiff-respondent, defendant-appellant had obtained a loan of Rs. 7,00,000/- on 2.8.2011 and executed a pronote and a receipt in his favour. In written statement, defendant-appellant had denied the advancement of loan and execution of pronote and receipt. However, he admitted that plaintiff and defendant are close friends.

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Defendant-appellant had taken the stand that he had some civil litigation regarding some land pending with Ranjit Kaur, sister in law of Nek Singh, who had filed a suit against him. Ranjit Kaur was trying to dispossess defendant-appellant from said land. Plaintiff-respondent supported defendant-appellant regarding said dispute. Defendant-appellant was under the influence of plaintiff-respondent. Plaintiff-respondent had advised defendant-appellant that in case, he is got involved in any criminal case or he has to go behind the bars, then arrangements has to be made for some money. Therefore, he obtained his signatures on some blank papers in the shape of security. Defendant-appellant apprehend that those documents have been converted into pronote and receipt. It is stated that pronote and receipt are false, fabricated and forged documents and same are without consideration.

From the pleadings, following issues were framed :-

1. Whether the defendant Jagsir Singh executed a pronote and receipt dated 2.8.2011 in favour of the plaintiff ? OPP
2. Whether the plaintiff is entitled for recovery as prayed for ? OPP
3. If issue No. 1 and issue No. 2 are proved. Whether the plaintiff is entitled for interest if so at what rate ? OPP
4. Whether the suit of the plaintiff is not maintainable ? OPD
5. Whether the plaintiff has no cause of action and locus standi to file the present suit ? OPD
6. Relief.

Both the Courts below took the view that execution of pronote and receipt are proved. Therefore, the lower Court decreed the suit.

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I have gone through the judgments of both the Courts below and have also seen the photocopy of pronote and receipt, produced by learned counsel for appellant in Court today at the time of arguments.

In this case, defendant-appellant admitted that he is close friend of plaintiff-respondent. He also admitted that plaintiff-respondent had obtained his signatures on blank papers in the shape of security and might have converted these into pronote and receipt. If it is so, it is for defendant-appellant to prove that these documents were executed without consideration.

The learned counsel for appellant contends that plaintiff-respondent has not proved the source of Rs. 7,00,000/-. Therefore, pronote and receipt are without consideration.

There is presumption to the Negotiable Instruments Act, 1881. Defendant-appellant has signed across the revenue stamp at two places on pronote and at one place on receipt across revenue stamp which shows that defendant-appellant signed the pronote and receipt fully knowing that he is executing the valuable security. Nobody will sign across the revenue stamp and that too on the pronote and receipt without receiving any consideration. Therefore, plaintiff-respondent is not required to prove the source from which he got the money.

The learned counsel for appellant has further argued that in this case, Balvir Singh, Deed Writer appeared as DW1. One Pardeep Singh, who is working with said deed writer Balvir Singh, was not examined. No entry was found in the register of Balvir Singh.

I am of the view that Pardeep Singh was working with Balvir Singh. Pardeep Singh is not required to make entry regarding scribe

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of pronote and receipt in the register of Balvir Singh. Balvir Singh only is to make entry of document in his register which was scribed by him. There are concurrent findings of facts recorded by two Courts below. There is no perversity in the findings of two Courts below. No law point arises in present case. There is no ground to interfere in the concurrent findings of two Court below. Therefore, instant appeal is dismissed.

(KULDIP SINGH)
JUDGE

23.1.2018
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No