

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

RSA No.696 of 2016 (O&M)

Date of decision : 23.10.2018

Doongar Mal Ghansham Dass

...Appellant

Versus

Harbans Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Surinder Garg, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.1885-C of 2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 23 days in filing the present appeal is condoned.

Application is allowed.

Main case

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below while dismissing the suit for recovery of ₹4,13,893.64.

The plaintiff claimed that in the year 2005, there was settlement of accounts and amount of ₹3,05,000/- was found due against the defendants.

On the other hand, defendants had pleaded that the accounts

were settled and in fact ₹23,000/- was recoverable from the plaintiff-firm. Ghansham-plaintiff when appeared in evidence, admitted the writing and his signature Ex.D1 dated 27.11.2006 to the effect that no amount is due against defendant No.1. Kuldip Kumar-PW2 has also admitted that in the year 2006, amount of ₹23,000/- was in fact payable to the defendants.

These findings arrived at by the Courts below are not shown to be result of any mis-reading or non-reading of the evidence. Hence, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of in view of the abovesaid judgment.

23.10.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No