

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

RSA No.5908 of 2015 (O&M)

Date of decision : 13.08.2018

Lily Tirkey

...Appellant

Versus

Ajit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Kumar, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.14708-C of 2015

Application is allowed.

Deficiency in the Court fees has already been made good.

Delay, if any, is condoned.

CM No.14709-C of 2015

Allowed, as prayed for.

CM No.14711-C of 2015

For the reasons stated in the application, which is duly supported by an affidavit, delay of 41 days in refiling the present appeal is condoned.

Application is allowed.

Main Case

The defendant-appellant is in the Regular Second Appeal

against the concurrent findings of fact arrived at by both the Courts below decreeing the suit for recovery of ₹2,50,000/- on the basis of Ex.P1, a writing which is receipt-cum-agreement.

The defendant-appellant contested the suit and pleaded that the aforesaid agreement is forged and fabricated and no loan was ever received by the appellant.

Both the Courts below after appreciation of the evidence, have found that the execution of the receipt has been proved by examining both the marginal witnesses i.e. Subhash and son of second witness i.e. Krishan.

Learned counsel for the appellant while reading one or two lines in isolation wants to impress upon this Court that the execution of the receipt is not proved. He further submitted that on reading the statement of Subhash, it is apparent that the document sought to be executed was a pronote but the document produced is receipt on a plain paper.

This Court has considered the submissions and with the able assistance of learned counsel for the appellant, gone through the judgments passed by both the Courts below and the record.

Ex.P1 is receipt-cum-agreement. It bears the signatures of the defendant-appellant on the aforesaid agreement which has been put in a manner that some part of the signatures are on the revenue receipt whereas some part is on the plain paper. The defendant has not led any evidence to prove that she has not put these signatures. Still further, the oral evidence of a witness has to be read in entirety and one line in cross-examination cannot be read in isolation/divorced from the entire statement. The findings of the Courts below are based upon the appreciation of the evidence.

Learned counsel for the appellant could not draw the attention of the Court to any perversity in the judgments passed by the Courts below.

Regular Second Appeal is dismissed.

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

13.08.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No