

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

RSA No.4011 of 2014 (O&M)

Date of Order:13.11.2018

Gurudwara Prabhandak Committee Gurdwara San Sahib

..Appellant

Versus

Karan Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.S.Thiara, Advocate,
for the appellant.

Mr. Deepak Nayar, Advocate,
for the respondent.

ANIL KSHETARPAL, J(Oral)

Plaintiff-appellant, a religious organization, has filed this regular second appeal against the concurrent findings of fact arrived at by the courts below while dismissing the suit for recovery of Rs.98,000/- along with future interest as arrears of lease money and electricity consumption charges as also expenses of the water pump.

Learned counsel for the appellant while referring to the application filed by the defendant dated 11.09.2009 has contended that the defendant had admitted the liability and prayed for payment of the amount by easy installments. He submitted that inspite of the admission, the suit has been dismissed.

On the other hand, learned counsel for the respondent has drawn attention of the court to a “No Dues Certificate” issued by the President of the local religious organization which record that the entire

amount has been paid for the crop of year 2004-2005 and no amount is due. He further drew attention of the court to the cross-examination of Iqbal Singh, the President of the local Managing Committee wherein he admits his signatures on receipt mark 'X'. No doubt in the first sentence, Iqbal Singh has denied his signatures but in the next sentence he admit that letter pad is of the religious organization on which “No Dues Certificate” has been written and the signature on the seal of the religious organization belongs to him. In such circumstances, both the courts have rightly held that the plaintiff has to stand on his own legs. No doubt defendant had at one point of time moved an application but the court did not pass any decree thereon and thereafter parties were permitted to lead evidence. Iqbal Singh was examined on 31.10.2011, when he admitted his signatures on the “No Dues Certificate” issued by him. In such circumstances, the court cannot now revert back to the application filed by the defendant and reverse the concurrent findings of fact arrived at by both the courts below.

In view thereof, this court does not find any good ground to interfere.

The regular second appeal is dismissed.

November 13, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No