

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

**RSA No.1232 of 2017(O&M)
Date of Decision: 25.07.2018**

**Mata Luxmi Devi Rice Mills and another
.... Appellants
Versus**

**Dharam Pal
... Respondent**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vishal Deep Goyal, Advocate
for the appellants.

RAJ MOHAN SINGH, J. (Oral)

[1]. Defendants are in second appeal against the concurrent judgments and decrees passed by the Courts below in a suit for recovery of Rs.7,06,000/-. Break up of the aforesaid amount was Rs.5,25,000/- as principal and Rs.1,81,000/- as interest @ 12 % per annum w.e.f 19.06.2008 upto decree. Future interest @ 6% from the date of decree till final realization of the amount was also claimed by the plaintiff.

[2]. Defendants while filing written statement have admitted the business transaction between the parties. The receipt of cheque in the account of the defendants was admitted. The stand taken by the defendants was that the

amount was repaid to the plaintiff.

[3]. Both the Courts below have appreciated the evidence on record and held that the defendants have not led any evidence. The factum of transaction was admitted by the defendants, therefore, firstly the trial Court proceeded to decide the suit on the basis of appreciation of the evidence. Ashok Kumar (PW 1), concerned official of the Bank has proved the transaction and relevant entry of the payment in the account of defendants through cheque. The said entry was also substantiated by way of statement of PW 2 who has deposed on the strength of Income Tax Return of the defendants. Plaintiff himself appeared as PW 3 and proved on record Exs.P7 and P8 in which factum of transaction i.e. Form No.16 was admitted. Plaintiff has also proved on record Ex.P9 showing that the amount was due against the defendants.

[4]. On the basis of overwhelming evidence on record, trial Court came to the conclusion that the amount in question was advanced to the defendants and the same was not repaid by the defendants. Nothing could be brought on record by the appellants before the Lower Appellate Court who ultimately confirmed the findings recorded by the trial Court.

[5]. The appreciation made by both the Courts below cannot be interfered with in regular second appeal. No law point

worth consideration is involved in the present appeal. The present appeal is accordingly dismissed.

July 25, 2018
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No