

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

RSA No.5079 of 2014 (O&M)

Date of decision : 18.05.2018

Malkiat Singh

...Appellant

Versus

M/s Gurnam Singh Malkiat Singh Commission Agents

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Kumar Sharma, Advocate for the appellant.

Mr. Harkirat Singh Sandhu, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

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 ₹1,06,990/- towards principal alongwith interest thereon. It is not disputed that the parties were having dealing as the defendant-appellant is a Farmer whereas the plaintiff-respondent is a Commission Agent firm.

The defendant before filing the written statement filed an application calling upon the plaintiff to produce the original documents which were duly produced. The defendant thereafter filed written statement and pleaded that the entries are forged. The plaintiff in order to prove their case produced on file voluminous record including small entries made in the daily books (cash books) as well as in the ledger.

The Courts have further found that at the time of closure of the accounts in the ledger maintained by the plaintiffs firm, the defendant had acknowledged that ₹1,06,900/- is due and payable and such entry is signed by him. Although, the defendant has disputed the signatures on few entries, however, on careful examination of the evidence available on the file proves that all entries are of small amount and the maximum entry is for approximately ₹21,000/-. The plaintiff has produced on file more than 15 document including cash book and ledger to prove that the defendant was regularly borrowing the amount.

The Courts have further found that the books of account were maintained in regular course of business.

Although, learned counsel for the appellant has made sincere attempt to persuade this Court to take a different view, however, taking into consideration the voluminous evidence available on the file, this Court does not find any good 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.

18.05.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No