

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

RSA-2796-2017 (O&M)

Date of Decision:20.11.2018

Mansa Ram

... Appellant

Vs.

Yudhvir Singh

... Respondent

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

Present : Mr. J.S. Mehndiratta, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-defendant has not been able to defend the suit for recovery of Rs.8,00,000/- containing the element of simple interest @ 6%.

The respondent-plaintiff on 12.12.2012 had lent a sum of Rs.8,00,000/- to the appellant-defendant on execution of two pronotes and receipts. Suit was preceded with legal notice but remained unreplied. The defendant opposed the suit on the premise that compromise was effected in a complaint against management and Jai Parkash. Pronotes and receipts were denied.

Respondent-plaintiff brought on record documents Ex.P-1 to P-6 to prove his case. Defendant had also taken the stand of ill health. Trial Court decreed the suit in favour of the plaintiff-respondent. Appellant-defendant was not successful before the lower appellate court.

Learned counsel for the appellant-defendant submitted that any document produced before the police station does not carry presumption of truth. Sarpanch Subhash Chander who was examined as defence witness

denied that any money has been lent to the appellant-defendant.

I am afraid the aforementioned argument of the learned counsel for the appellant-defendant is not sustainable as both pronotes and receipts were proved. PW-1, PW-2 and PW-3 who testified on oath that both the pronotes and receipts had been executed on one and same day to the effect that money was advanced to the defendant in their presence. Nothing contrary to the same has been brought on record to belie signatures on the documents. It was obligatory on the appellant-defendant to lodge a complaint to the higher police authorities in case there was some misuse of documents but silence for two years and not response to the legal notice, leads to an irresistible conclusion that there was some money transaction.

As an upshot of my finding, I do not find any illegality and perversity in the concurrent finding of fact rendered by both the court below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. The second appeal is dismissed.

20.11.2018
rajeev

(AMIT RAWAL)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**