

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

RSA-3389-2018 (O&M)

Date of decision: August 27, 2018

Dr. Pritam Singh

...Appellant

Versus

Satpal

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ajay Ghangas, Advocate for the appellant.

Rajan Gupta, J.

Present appeal has been preferred to impugn findings of two courts below on the ground that same are perverse and based on misappreciation of evidence.

Plaintiff/respondent Satpal filed a suit for recovery of Rs.2,00,000/- alongwith interest against the defendant/appellant, alleging that plaintiff was employed in PWD, B&R, Panipat, where defendant was working as contractor and the parties were known to each other. On request of defendant, plaintiff paid a sum of Rs.2,00,000/- as loan to the defendant at the interest of 2% per month for a period of one year (Rs.50,000/- in cash and Rs.1,50,000/- by way of cheque dated 5.12.2010). However, defendant failed to return the aforesaid amount to the plaintiff despite repeated requests. Despite assurance of the defendant to return the amount in the Panchayat as well as legal notice, he did not return the same. Suit was resisted by the defendants. In his written statement he denied the aforesaid loan, rather it is pleaded that plaintiff had borrowed Rs.2,50,000/- from the defendant on 20.11.2009 for construction of his house, out of which plaintiff

had refunded Rs.1,50,000/- through cheque dated 05.12.2010. Other averments made in the plaint were also denied. In order to prove his case, plaintiff examined himself as PW-1 and also examined Naresh as PW-2 and Ram Kumar, Head Manager, State Bank of India as PW-3 and tendered certain documents in his evidence. On the other hand, the defendant appeared as DW-1 and also examined Braham as DW-2, Ram Mehar as DW-3 and Shugan Chand as DW-4, besides tendering certain documents in his evidence. After hearing both the parties and perusing oral as well as documentary evidence, the trial court decreed the suit, directing the defendant to pay Rs.2.00 lacs alongwith interest @ 9% per annum from the date of filing of the suit till actual realization. It observed that from oral and documentary evidence, plaintiff has fully proved that a loan of Rs.2.00 lacs was obtained by the defendant from plaintiff, which he did not return. Findings were affirmed by the lower appellate court.

I find no infirmity with the findings arrived at by both the courts below. Only plea raised before this court is that judgments of two courts below are based on misappreciation of evidence as well as law. I find no substance in this plea. A perusal of concurrent findings of two courts below reveals that same suffer from no infirmity. No other substantial question of law has been urged.

Dismissed.

August 27, 2018
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No