

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

RSA-4001-2018 (O&M)

Date of decision: July 09, 2018

Inderjeet Singh

...Appellant

Versus

M/s Mehan Trading Company & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Subhash Aggarwal, 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.

Plaintiffs (respondents herein) filed a suit for recovery of Rs.1,29,200/- on the basis of loan advanced by the plaintiff firm to defendant Inderjeet Singh, alleging that the firm M/s Mehan Trading Company is a commission agent firm, respondent No.2 being its proprietor. Defendant used to sell his agriculture produce through it. On his request, the plaintiff firm granted a loan of Rs.95,000/- to the defendant vide different cheques, on his assurance that he would sell his produce through it. However, defendant started selling his produce through some other agency so as to grab payment of loan. Therefore, the firm filed suit against the defendant. Suit was resisted by the defendant, who took up the plea that he sold agriculture produce of Rs.1,66,087/-,

against which he only received Rs.85,000/-, vide two cheques and remaining amount of Rs.81,087/- was still outstanding towards the plaintiffs. He also denied the factum of the aforesaid loan. Issues were framed by the trial court. After hearing both the parties and perusing the records, the trial court decreed the suit filed by the plaintiffs alongwith interest by observing that defendant while appearing as DW-1, identified his signatures on documents Ex.P3 and Ex.P4, thereby admitting cheques No.32001027 and 32001031. He simply denied the factum of obtaining Form-J from the plaintiffs. He did not bother to bring any evidence in support of his case. Plaintiffs proved its case by leading documentary evidence. Findings were affirmed by the lower appellate court.

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.

(RAJAN GUPTA)
JUDGE

July 09, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No