

In the High Court of Punjab and Haryana at Chandigarh

RSA- 5343 of 2017(O&M)

Date of Decision:9.5.2018

Tara Chand

---Appellant

vs.

M/s Hari Ram Sheodutt Rai

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.Vikram Singh, Advocate
for the appellant

Rekha Mittal, J.

The present appeal directs challenge against concurrent findings recorded by the courts whereby suit filed by respondent-plaintiff M/s Hari Ram Sheodutt Rai through its partner Roop Ram for recovery on the basis of *bahi* entries has been decreed by the trial court and appeal preferred by the appellant/defendant did not find favour with the District Judge, Narnaul.

Counsel for the appellant would argue that scribe of *bahi* entries has not been examined nor original *bahi* entries have been produced on record.

The Appellate Court, in para 19 of the judgment has held, quoted thus:-

“Admittedly it is a case of recovery based on *bahi* entries and Roop Ram one of the partner of the plaintiff firm M/s Hari Ram Sheodutt Rai when appeared in the witness box as PW1 produced the original *bahi* in the court and proved the photocopies of the *bahi* entries Ex.

P1 to Ex. P7 and the learned lower court has rightly held bahi entries Ex. P1 to P7 to be relevant as per Section 34 of the Indian Evidence Act 1972 and has rightly held the plaintiff entitled to recover a sum of Rs. 30,000/- qua bahi entry Ex. P2, Rs. 27,000/- qua bahi entry Ex. P3 and Rs. 25,000/- qua bahi entry Ex. P5. However the plaintiff has been denied a sum of Rs. 19,000/- qua bahi entry Ex. P4 as the bahi entry Ex. P4 is dated 19.01.2008 whereas in the legal notice as well as in the affidavit of PW1 Roop Ram Ex. PW1/A the date of lending of Rs. 19,000/- is mentioned as 11.01.2008 though this mistake in date of lending of Rs. 19,000/- mentioned in the affidavit as well as in the legal notice seems to be clerical but no cross-objection has been filed by the plaintiff, so, the finding of the learned lower court qua bahi entry of Rs. 19,000/- dated 19.1.2008 does not call for interference at this stage.”

Perusal of the aforesaid extract belies contention of the appellant, therefore, there is no scope for interference in the well founded findings recorded by the courts.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

9.5.2018
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Whether speaking/reasoned: Yes
Whether reportable : Yes/No