

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RSA-713-2017 (O&M)
Date of Decision: 10.09.2018

Krishan Lal

--Appellant

Versus

Krishna Devi

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Dr. Naresh Kaushik, Advocate for the appellant.

TEJINDER SINGH DHINDSA.J (Oral)

Plaintiff-appellant Krishan Lal is in second appeal before this Court having remained unsuccessful in both the courts below.

Brief facts are that plaintiff had instituted a suit for recovery of an amount of Rs.2,71,000/- along with interest @ 24% per annum against defendant Krishna Devi on the pleadings that the amount in question had been advanced as a loan to Karambir (since deceased) and son of the defendant for the purpose of purchase of a new bus. Plaintiff places reliance upon a pronote dated 1.5.2013 which was stated to have been executed by deceased Karambir and attested by witness Sh. Jai Bhagwan Singh.

Suit was dismissed by the Trial Court on 9.2.2015 and civil appeal filed by the plaintiff-appellant has met the same fate vide judgement dated 3.10.2016 passed by the learned Additional District Judge, Panipat.

Counsel for the appellant has been heard at length and pleadings on record have been perused.

It has been argued that the judgements passed by the courts below are based on misreading and misappreciation of evidence and since recovery was sought on the basis of a pronote dated 1.5.2013, the suit ought

to have been decreed in favour of the plaintiff-appellant.

Having heard counsel for the appellant at length, this Court is of the considered view that there is no merit in the appeal and the same deserves to be dismissed.

The entire case set up on behalf of the appellant for recovery of the amount in question was on the strength of a pronote dated 1.5.2013 allegedly executed by Karambir i.e. son of the defendant/respondent. Concededly Karambir expired prior to institution of the suit. It is also not in dispute that the alleged attesting witness namely Jai Bhagwan also died on 30.3.2014.

Under such circumstances, the onus was on the appellant to prove the signatures of Karambir the alleged executant as also the eye witness Jai Bhagwan by getting their signatures compared over the alleged pronote Ex.P-1 with their admitted signatures appearing on other documents in the nature of bank account opening forms etc. No such exercise was undertaken by the plaintiff-appellant.

It was also imperative for the plaintiff-appellant to have explained and justified the source and his financial capacity towards advancing the loan of Rs.2,71,000/- to Karambir on 1.5.2013. In such regard stand taken by plaintiff-appellant was that he had raised such money by selling four buffaloes and by borrowing certain amount from his relatives. Under such circumstances, the courts below have rightfully disbelieved such version as it would not be prudent for a person in the first instance to borrow money so as to facilitate the lending of the same amount to a third person.

That apart, it has come in evidence that the plaintiff-appellant is a govt. employee and was working in the office of the Deputy Commissioner, Panipat. As per Conduct Rules, a govt. employee advancing loan to any person is obligated to furnish intimation to the employer/State Govt. It has gone uncontroverted that no such document was adduced on record whereby any intimation with regard to advancing of loan of Rs.2,71,000/- had been made by the plaintiff-appellant to his employer/concerned govt. authority.

The impugned judgements passed by the courts below dismissing the suit for recovery are based on cogent and valid reasoning and upon due appreciation of evidence.

No interference in the same is warranted.

No merit, appeal is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

10.09.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No