

**CRR No.3816 of 2017 (O&M)**  
**CRR No.3842 of 2017 (O&M)**

**--1--**

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

**DATE OF DECISION:-14.01.2019**

**1. CRR No.3816 of 2017 (O&M)**

**DR. SURENDER SHEORAN**

**...PETITIONER...**

**V.**

**RAM NIWAS YADAV AND ANR.**

**...RESPONDENTS...**

**2. CRR No.3842 of 2017 (O&M)**

**DR. SURENDER SHEORAN**

**...PETITIONER...**

**V.**

**RAM NIWAS YADAV AND ANR.**

**...RESPONDENTS...**

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. Ashwani Bhardwaj, Advocate,  
for the petitioner(s).

**\*\*\*\*\***

**RAMENDRA JAIN, J. (ORAL)**

Through this judgment, two above titled revision petitions are being disposed of between the same parties against separate judgments dated 11.09.2017 of the first appellate court, affirming the judgments of the trial court dated 04.06.2015 and 01.05.2015 holding the petitioner guilty under Section 138 of the Negotiable Instruments Act (for short, "Act") and orders dated 06.06.2015 and 15.05.2015, sentencing the petitioner to undergo simple imprisonment for one year each in both the cases and to pay compensation of Rs.6 lakhs and Rs.1 lakh respectively

while accepting two separate complaints of respondent No.1 under the Act.

For brevity, facts are being extracted from CRR No.3842 of 2017. Respondent No.1 filed two separate complaints against the petitioner under the Act for dishonoring of his cheques for Rs.4 lakhs and Rs.4.5 lakhs respectively. After holding trial, complaints were accepted in the manner as narrated above in the opening part of the judgment.

Being aggrieved, the petitioner approached the first appellate court, but remained unsuccessful as his both appeals were dismissed vide impugned judgment dated 11.09.2017.

Learned counsel for the petitioner contends that both the courts below have failed to appreciate that there was no pre-existing liability of the petitioner against respondent No.1. In fact, petitioner had entered into an agreement to sell with respondent No.1 and had given two cheques of Rs.4 lakhs and 4.50 lakhs totalling Rs.9.50 lakhs towards part sale consideration. However, respondent No.1 instead of executing sale deed as agreed in favour of the petitioner, became dishonest and to usurp the aforesaid advance money, filed two frivolous complaints under the Act against the petitioner.

After having given thoughtful consideration to the submissions made by learned counsel for the petitioner, this Court finds both the revision petitions completely devoid of any merit for the reasons to follow:-

1. No question of law, much less substantial, has been raised in

these revision petitions.

2. All the pleas raised by learned counsel for the petitioner have already been dealt with by both the courts below in detail. Therefore, their further dealing, would amount to repetition.

3. This Court has a very limited jurisdiction to exercise in revisions, inasmuch as, the same can only be exercised; (i) if the courts below have exceeded their jurisdiction; (ii) have exercised their jurisdiction illegally and; (iii) have not exercised their jurisdiction diligently.

None of the above circumstances could be pointed out by learned counsel for the petitioner in the judgments of both the courts below.

The entire defence of the petitioner that he had given the cheques in question to respondent No.1 as advanced money/part sale consideration is false on the face of it, in view of the fact that till date, the petitioner did not file any suit for specific performance against respondent No.1.

I have gone through judgments of both the courts below, they are well reasoned, being based on appreciation of facts and thus, do not require any interference by this court.

Accordingly, both these revisions petitions stand dismissed.

14.01.2019  
sonika

(RAMENDRA JAIN)  
JUDGE