

In the High Court for the States of Punjab and Haryana at Chandigarh

RSA-1507 of 2016 (O&M)
Date of Decision: March 19, 2019

Parminder Singh

... Appellant

Versus

Col. Kuldeep Singh (deceased) through LRs.

... Respondent

CORAM: HON'BLE MR. JUTICE AMIT RAWAL

Present: Mr. K.S. Lakhanpal, Advocate,
for the appellant.

Amit Rawal, J. (Oral)

CM-4178-C-2016

For the reasons stated in the application which is supported by an affidavit, same is allowed. Delay of 16 days in re-filing the appeal is condoned.

CM-4179-C-2016

For the reasons stated in the application which is supported by an affidavit, same is allowed. Delay of 32 days in filing the appeal is condoned.

RSA-1507-2016 (O&M)

Present regular second appeal is directed against the concurrent finding of fact whereby suit of the respondent-plaintiff for recovery of Rs. 3,00,000/- along with pendente lite interest @ 12% per annum from the date of pronote and receipt, till the date of decree with future interest @ 6% per annum on the principal amount till actual realization, has been decreed.

It was alleged that defendant borrowed a loan of Rs. 3,00,000/-

on 28.08.2006 from the plaintiff and in lieu thereof, executed pronote and receipt of the same amount.

Defendant opposed the suit and denied the averments made in the plaint.

Plaintiff in support of evidence, examined PW1 - Bahadur Singh, attorney of Amandeep Singh and PW2 – Balbir Singh, marginal witness and brought on record the pronote (Ex.P2) and receipt (Ex.P3). Defendant examined DW-1 Kiran Devi, official from BPEO and proved on record leave sanction register of Daljit Kaur as Ex.D1 and himself examined as DW-2.

Mr. K.S. Lakhanpal, learned counsel, appearing on behalf of the appellant, submitted that it was not a loan transaction. The pronote and receipt were under-stamped. The application filed by Amandeep Singh for grant of leave to proceed with the suit has wrongly been allowed by the trial Court, thus, impugned judgments and decrees are not sustainable in the eyes of law.

I have heard learned counsel for the appellant, perused the paper book and of the view that impugned judgments and decrees of both the Courts below are sustainable as the execution of the pronote and receipt was proved in view of consistent stand of the attesting witness. Birth certificate of Amandeep Singh showed that he is the son of deceased plaintiff. Nothing contrary to that has been placed on record by the appellant-defendant. Amandeep Singh was allowed to pursue the suit upon application moved under Order 32 Rule 12 CPC. The defendant did not raise any objection or filed revision against the said order.

In view of such circumstances, I do not find any illegality and

perversity in the concurrent finding of fact rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

March 19, 2019
vkd

(Amit Rawal)
Judge

Whether reasoned / speaking : Yes
Whether reportable : No