

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

**RSA No.4168 of 2016 (O&M)
Date of Decision.15.01.2019**

Chand Singh

...Appellant

Vs

Atam Parkash

...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Puneet Kumar Bansal, Advocate
for the appellants.

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AMIT RAWAL J. (ORAL)

This regular second appeal is directed against the concurrent finding of fact at the instance of the appellant defendant, who had not been successful in defending the suit, decreed by the trial Court and affirmed by the lower Appellate Court for recovery of ₹1,80,000/- along with simple interest @9% from the date of execution of the pronote and receipt dated 13.5.2006 till realization. The plaintiff stated to have extended loan on the basis of pronote and receipt witnessed by one Satpal.

Defendant opposed the suit and asserted that since he has been selling crop to the plaintiff, some blank papers were got thumb marked and converted into pronote. No such loan was taken.

Mr. Bansal, learned counsel appearing on behalf of the appellant submitted that the plaintiff did not come with clean hands and withheld the information with regard to dealing and transactions of sale and purchase of agriculture produce and account books. A person, who does not come with clean hands can be thrown out at any stage including the appellate stage.

I have heard learned counsel for the appellant, appraised

the paper book and of the view that there is no force and merit, as circumstances under which the thumb impressions were taken on blank papers had remained a mystery nor had been disbelieved through the aid of any expert. On the other hand, plaintiff proved the same through the testimony of Satpal, PW1. All these factors weighed in the mind of Court while decreeing the suit.

No contrary argument has been raised before this Court to form a different opinion than the one already arrived by 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.

(AMIT RAWAL)
JUDGE

January 15, 2019
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No