

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

**RSA No.5820 of 2014 (O&M)
Date of Decision: May 01, 2019**

Nirmal Singh

.....APPELLANT

VERSUS

Bharat Sanchar Nigam Limited

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Jaideep Kaur, Advocate for
Mr. J.S. Thind, Advocate
for the appellant.

Ms. Deepali Puri, Advocate
for the respondent.

SURINDER GUPTA, J.(Oral)

Heard.

This is second appeal against the judgment passed by the District Judge, Jalandhar, whereby judgment and decree dated 23.04.2011 passed by the Additional Civil Judge (Senior Division), Phillaur was upheld and the appeal filed by the appellant was dismissed.

The respondent filed suit for recovery of ₹28,479/- qua the outstanding mobile bill of appellant pertaining to mobile connection No.94170-26496. The defendant/appellant took the ground that at the time of disconnection of his mobile, he deposited the entire due amount, as such plaintiff/respondent is not entitled to recover the suit amount.

Learned trial Court decreed the suit for recovery of ₹14655/- as the recovery of remaining amount was held to be barred by limitation. The

defendant/appellant could not produce any document to show that he had paid the entire outstanding amount rather while appearing as DW-1, he admitted that the suit amount which was due against him was not deposited.

The findings of the Courts below are based on the documentary and oral evidence produced by the plaintiff/respondent, coupled with the admission of appellant that he had not deposited the due amount. Learned counsel for the appellant could not put forth any arguments to find legal or factual infirmity in the concurrent judgments of the Courts below, calling for any interference. This appeal has no merits.

Dismissed.

(SURINDER GUPTA)
JUDGE

May 01, 2019
Jyoti-II

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No