

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

CM No. 3704 C of 2019 and  
CM No. 3705 C of 2019 in/and  
RSA No. 1426 of 2019 (O&M)  
Date of decision: 14.3.2019

Amar Singh

...Appellant

Versus

Kulwant Singh

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Mr. MS Atwal, Advocate,  
for the appellant.

**JAISHREE THAKUR, J.**

**CM No. 3704 C of 2019**

Heard.

This is an application under Section 149 of the Code of Civil  
Procedure for making good the deficiency in court fee.

For the reasons stated in the application, which is supported by  
an affidavit, the same is allowed and delay in making the court fee good is  
condoned.

CM stands disposed of.

**CM No. 3705 C of 2019**

This is an application that has been filed for condonation of 40  
days' delay in re-filing the appeal.

For the reasons stated in the application, which is supported by  
an affidavit, the delay in re-filing the appeal is condoned.

CM stands disposed of.

**Main case**

The instant Regular Second Appeal has been filed by the appellants against the judgment and decree dated 18.9.2018 passed by the Additional District Judge, Moga, vide which the judgment and decree dated 8.11.2016 passed by the trial court in the civil suit filed by the plaintiff/respondent herein was affirmed.

In brief, the facts are that the plaintiff/respondent herein filed a suit for recovery of ₹5,82,080/- on the basis of pronote and receipt dated 16.3.2012. It was averred that the appellant herein took a loan of ₹4,28,000/- on 16.3.2012 and executed a pronote and receipt in the presence of marginal witnesses Sukhmander Singh and Gurbachan Singh. The appellant had agreed to return the said amount with interest at the rate of 1% per month. However, since the appellant failed to re-pay the loan amount, hence the suit was filed.

The appellant contested the suit, while taking preliminary objections regarding pronote and receipt being forged and no cause of action having been accrued in favour of the plaintiff/respondent. It was denied that the appellant ever took a loan of ₹4,28,000/- from the plaintiff/respondent.

On completion of the pleadings, the trial court framed the following issues:-

1. *Whether plaintiff is entitled to recover the suit amount from the defendant on the basis of pronote and receipt dated 16.3.2012? OPP*
2. *Whether plaintiff is entitled to recover interest from the defendant? If so at what rate and on what amount? OPP*

3. *Whether the alleged pronote and receipt are forged and fabricated documents? OPD*
4. *Whether plaintiff has no cause of action to file this suit? OPD*
5. *Relief.*

In order to prove his claim, the plaintiff/respondent examined Sukhmander Singh, attesting witness of receipt as PW1 and also examined scribe Jagdev Singh as PW2 and made his own statement as PW3. On the other hand, the appellant appeared as DW1 and thereafter closed his evidence.

The trial court, after examining the documentary as well as oral evidence brought on record, decreed the suit. Aggrieved against the judgment and decree of the trial court, the appellant preferred an appeal, which was dismissed by the first Appellate Court, giving rise to the instant appeal.

Learned counsel for the appellant submits that the alleged pronote and the receipt are forged and fabricated documents. In fact, the appellant had not raised any sort of loan from the respondents and therefore, the judgments and decree passed by the courts below are liable to be set aside.

I have heard learned counsel for the appellant and perused the impugned judgments and decree.

At the outset, it is noticed that though the appellant herein took a plea that the alleged pronote and the receipt are forged and fabricated document, but he did not move any criminal complaint before the appropriate authority in this regard did nor he produce any expert evidence to establish the alleged documents do not carry his signatures. The trial

court, while decreeing the suit, held that *“In his cross-examination, he has disclosed that he is an Ex-service man and although he denied his signatures upon pronote and receipt but he could not led any expert evidence to assist the court to arrive at a conclusion that signatures of the defendant appearing on the pronote and receipt have either been copied or forged rather visual comparison of his admitted signatures appearing on the written statement with the signatures appearing on pronote Ex. P1 reveal numerous similarities.”* These findings were affirmed by the first Appellate Court. Even otherwise also, no other evidence has come on the record nor witness examined to rebut the evidence led by the plaintiffs/respondents, and, therefore, the suit has rightly been decreed by the courts below. Learned counsel for the appellant has not been able to point out any perversity, irregularity or illegality in the judgments and decree so passed. Moreover, no substantial question of law arises for determination in this case.

Consequently, the Regular Second Appeal is dismissed.

14.3.2019  
prem

(JAISHREE THAKUR)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes  
No