

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

**RSA No.2779 of 2015 (O&M)
Date of Order:27.02.2020**

Darshan Singh

..Appellant

Versus

Wakeel Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Atul Goyal, Advocate,
for the appellant.

Mr. Rajesh Kuamr Girdhar, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

The plaintiff-appellant has filed the present regular second appeal against the concurrent findings of fact arrived at by the courts below while dismissing the suit for recovery of Rs.85600/-.

As per the plaint, principal amount is Rs.80,000/-, whereas Rs.5600/- is accrued interest thereon.

Plaintiff claims that an amount of Rs.1,05,000 was paid to the defendant and one another person for securing the job of his son. It is further case of the plaintiff that since neither the job could be secured nor the payment was refunded, therefore, the police complaint was filed wherein a compromise was arrived at and defendant agreed to return Rs.80,000/- with interest @ 2% per month and pronote and receipt were executed.

Defendant contested the suit and pleaded that the aforesaid pronote was executed under police pressure and Boota Singh was employed in PRTC, whereas he is a simpleton person.

Both the courts after appreciating the evidence found that contents of the pronote and the evidence led by the plaintiff is contradictory. In the pronote, it has been written that payment of Rs.80,000/- has been received by Wakeel Singh whereas the case of the plaintiff is that the amount was paid few years back.

Still further on appreciation of evidence, both the courts have re recorded concurrent findings of fact that the plaintiff failed to prove his case.

This court has heard learned counsels for the parties at length and with their able assistance, gone through the judgments and decrees passed by the Courts below and the record.

Learned counsel for the appellant, although made sincere attempt to persuade this court to take a different view, however, keeping in view the limited jurisdiction, this court does not find any good ground to interfere, particularly when learned counsel for the appellant failed to draw attention of the court to substantive misreading or non -reading of the evidence. Finding of facts have been arrived at by the courts below on appreciation of evidence which can be interfered with only, if counsel draws attention of the court to any error of law or substantive misreading or non-reading of the evidence.

Hence, dismissed.

February 27, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No