

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

RSA No. 5185 of 2019(O&M)

Date of decision: 3.3.2020

Hartej Singh

.....Appellant

VERSUS

Jagjit Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. K.B.S. Mann, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The respondent/plaintiff filed suit for recovery of Rs.4,50,000/- with interest on the basis of pronote and receipt marked as Ex.P1 and P2, respectively.

The sole submission made by counsel for the appellant is that he examined V.B. Bhatnagar, Handwriting and Fingerprints Expert on the basis of comparison of disputed signatures of the appellant/defendant on pronote and receipt with his standard signatures but testimony of expert witness has not been appreciated by the Courts in right perspective. In addition, it is argued that Ram Singh, attesting witness of the receipt had stated in cross examination that blanks in the pronote and receipt had already been filled in before he came at the spot.

To prove his case, Jagjit Singh – plaintiff examined himself as PW-1, Ram Singh attesting witness PW-2, Satpal Bansal, scribe of the pronote and receipt PW-3 and Anil Kumar Gupta, Handwriting and Fingerprints Expert PW-4.

To rebut evidence of the respondent/plaintiff, appellant appeared in the witness box and examined Sh. V.B. Bhatnagar, Handwriting and Fingerprints Expert. The Courts, on appreciation of materials on record, in the light of rival contentions raised by the parties, recorded a finding that pronote and receipt was executed by the appellant/defendant. Since both the parties have examined different experts to establish their contention raised in the pleadings and in absence of counsel for the appellant pointing out any material on record that report and testimony of Sh. V.B. Bhatnagar invites primacy over testimony of Sh. Anil Kumar Gupta PW-4 and direct evidence led by the respondent/plaintiff, I find it difficult to intervene in concurrent findings recorded by the Courts based upon evidence on record.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

MARCH 3, 2020

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no