

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

SA No. 452 of 2012

- Purusottam Sahu, S/o Sarju Ji Sahu Aged About 48 Years, Risali Sector, Q.No. 288/B, Risali Bhilai, P.S. Nawai, Tah. & Distt. Durg C.G.

---- Appellant

Versus

- Smt. Sushila Jain W/o Ashok Jain Aged About 45 Years Matri Nagar, Phase No.1, House No.3, Street No. 7/D, Near Hanuman Mandir, Matrinagar, Bhilai, P.S. Nawai, Tah. & Distt. Durg C.G.

---- Respondent

For Appellant :- Mr. Arvind Dubey, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

16/07/2021

1. Proceedings of this matter have been taken up through video conferencing.
2. Heard on admission and formulation of substantial question of law in second appeal preferred by the appellant / defendant.
3. By the impugned judgment and decree, the first appellate Court has dismissed the appeal

preferred by the appellant / defendant affirming the judgment and decree of the trial Court.

4. Mr. Arvind Dubey, learned counsel for the appellant / defendant, submits that both the Courts below have concurrently erred in granting decree for grant of ₹.40,000/- alongwith 6% interest by recording a finding which is perverse to the record and, as such, the appeal deserves to be admitted for hearing by formulating substantial question of law for determination.

5. I have heard learned counsel for the appellants / defendant, considered his rival submissions and also went through the records with utmost circumspection.

6. The suit filed by the plaintiff for recovery of ₹.40,000/- alongwith interest. The trial Court granted decree holding that the defendant has taken ₹.50,000/- from the plaintiff and ₹.10,000/- has returned by the defendant to plaintiff but for remaining amount cheque was issued by the defendant which was become dishonoured and, therefore,

plaintiff is entitled for ₹.40,000/- alongwith the interest.

7. The trial Court upon appreciating the oral and documentary evidence available on record granted the decree in favour of the plaintiff which has been affirmed by the first appellate Court. Two Courts below have concurrently recorded a finding that the defendant have taken ₹.50,000/- from the plaintiff and only he paid ₹.10,000/-, therefore, plaintiff is entitled for ₹.40,000/- alongwith 6% interest.

8. The aforesaid finding recorded by two Courts below is finding of fact based on evidence available on record. It is neither perverse nor contrary to the records, as such, I do not find any substantial question of law for admission of this second appeal.

9. Accordingly, the second appeal being devoid of merit is liable to be and is hereby dismissed in *limine* without notice to other side. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge