

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

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**CR-6860 of 2018 (O&M)
Date of Order: 13.05.2022**

Gurdev Ram (since deceased) through his LRs

..Petitioners

Versus

Soma

..Respondent

CR-6926 of 2018 (O&M)

Gurdev Ram (since deceased) through his LRs

..Petitioners

Versus

Soma

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Onkar Rai, Advocate, for the petitioner(s)
Mr. Rajiv Joshi, Advocate, for the respondent.

ANIL KSHETARPAL, J(Oral)

These two revision petitions have been filed because the total amount in dispute involved in the appeals is below Rs.25,000/- in each case. The petitioner has challenged the judgment and decree passed by the First Appellate Court by filing the present revision petitions though the filing of the second appeal is barred.

The petitioner filed two different suits for recovery of Rs.13600/- each on the basis of a pronote and receipt. The plaintiff claims that the defendant borrowed a sum of Rs.10,000/- and executed pronote and receipt. The defendant claims that the amount has been refunded and the plaintiff executed receipt thereof, therefore no amount is payable.

The trial court decreed the suit, however the First Appellate Court on re-appreciation of the evidence dismissed both the suits.

Both the receipts have been proved by examining the scribe as well as one of the witnesses of the receipt Sh. Prem Singh.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the judgments and decrees passed by the Courts below.

The learned counsel representing the petitioner contends that the First Appellate Court has erred in placing reliance on the deposition of Sh. Prem Singh (witness of the receipt) in chief, rather than relying upon the cross-examination. He submits that in the cross-examination, the aforesaid witness has deposed in favour of the plaintiff.

Per contra, the learned counsel representing the defendant has contended that the cross-examination of Sh. Prem Singh was kept after lunch and after lunch he took a somersault. The First Appellate Court has given cogent reasons to rely upon the examination-in-chief of Prem Singh. The refund of the amount is evidence by a receipt which signed the plaintiff and proved by its scribe.

In view thereof, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

May 13, 2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No