

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

RSA-3246-1999 (O&M)

Date of decision: 20.12.2022

Jasrath Singh

....Appellant

Versus

Registered Firm Nand Lal Ved Parkash

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S.Jaswal, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

While assailing the concurrent findings of facts, arrived at by the courts below, the defendant has filed this Regular Second Appeal. A suit for recovery of amount of Rs.57,000/-, alongwith interest has been decreed by both the courts below. It has been found that the appellant used to take advance from the plaintiff-Firm and the total amount of Rs.57,000/- is payable by him. In order to prove its case, the plaintiff produced the copies of entries (Ex.P1 to P11) made in the accounts book, which bear the signatures of the appellant.

Heard the learned counsel representing the appellant at length and with his able assistance perused the judgments passed by the courts below, alongwith the requisitioned record.

Learned counsel representing the appellant contends that the original account books were never produced in evidence and therefore, Ex.P1 to P11 could not have been admitted in evidence. This Court has read the statement of Sh.Raghubir Chand, Accountant of the plaintiff-

Firm. He has produced and proved the entries (Ex.P1 to P11) made in the accounts book. Learned counsel representing the defendant has objected to their admissibility on account of them being unstamped. It is observed that no objection with regard to the non-production of the original account books was raised before the lower courts. The learned counsel representing the appellant admits that in the judgments passed by both the courts below, there is no discussion on the aforesaid objection. In such circumstances, this Court cannot permit the appellant to take up a new objection, for the first time, in a Regular Second Appeal.

Hence, no ground to interfere is made out.

Dismissed.

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

20.12.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE