

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

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**RSA-4006-2019(O&M)
Date of decision: 16.08.2022**

VIPIN BHOLA

..Appellant

Versus

M/S MUTHOOT FINANCE PVT. LTD.

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vipin Bhola (appellant in person)

Mr. Navraj S. Mahal, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

While assailing the concurrent findings of fact, the plaintiff has filed the present appeal. The plaintiff filed a suit for grant of decree of mandatory injunction directing the defendant to restore and redeem the gold ornaments which were pawned by the plaintiff with the defendant-Company. The defendant-Company while contesting the suit asserted that the plaintiff has stealthily taken away the gold ornaments weighing 1508 grams, whereas, 1752.1 grams is still available with it and the plaintiff is entitled to take back the gold ornaments after repaying the amount of loan. Both the Courts on appreciation of evidence have found that the plaintiff in fact colluded with the manager of the defendant-Company Sh. Santosh Mathew and started the money lending business. It was also found that the appellant was arrested in a criminal case and is now facing criminal prosecution.

The plaintiff in support of his evidence examined Sh. Abraham Joseph as PW-2 who was working with the defendant-Company in the same branch. In the cross-examination, he stated that Sh. Santosh Mathew used to release the gold ornaments without obtaining the collateral security after

accepting the illegal gratification from the plaintiff. He further stated that the plaintiff had in fact stolen the gold ornaments from the defendant-Company.

The plaintiff is stated to have pawned around 3260.5 gram gold. On a Court question, he admits that the aforesaid gold ornaments in fact belong to various other persons. However, they have not been examined in evidence. Both the Courts have recorded findings of fact on appreciation of evidence. The appellant, who appears in person, has failed to draw the attention of the Court to any misreading or non-reading of evidence or any other material irregularity. The plaintiff has also not filed a suit for recovery.

Hence, no ground to interfere with the findings of facts arrived at by both the Courts below is made out.

Dismissed.

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

August 16th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>