

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 684 of 2022 (O&M)

Date of Decision: 01.04.2022

Sohan Singh

... Appellant(s)

Versus

Shamsher Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. G.S.Salana, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. While assailing the concurrent findings of facts, arrived at by both the Courts below, the defendant has filed the present regular second appeal. The defendant is the brother-in-law of the plaintiff. In other words, the defendant's sister is married to the plaintiff. The plaintiff filed a suit claiming that vide cheque No. 053792 dated 15.11.2014, an amount of ₹4,00,000/- was given as a friendly loan to the defendant. In order to return the aforesaid amount, the defendant has issued a cheque No. 996427 dated 12.12.2014, which, on presentation, was dishonoured. On the request of the defendant, the plaintiff again presented the cheque in the Axis Bank, which was again dishonoured. Thereafter, a criminal complaint under Section 138 of the Negotiable Instruments Act, 1881, was filed by the plaintiff against the defendant.

2. The defendant contested the suit while taking a stand that he never borrowed the amount and in fact, the plaintiff issued the cheque to

clear the previous liability. It was also pleaded that the plaintiff has obtained the cheque from the defendant and his brother to show his strong economic condition.

3. Both the Courts below, on appreciation of evidence, found that the payment of ₹4,00,000/-, through cheque No. 053792 dated 15.11.2014 issued by the plaintiff in favour of the defendant, is proved on the file. It is also proved that the defendant has issued a cheque No. 996427 dated 12.12.2014 in favour of the plaintiff.

4. In the grounds of appeal, it has been asserted that the appellant has been acquitted in the criminal complaint. Such judgment is not binding on the Civil Court. In the present case, there is no doubt about payment of ₹4,00,000/- to the defendant by the plaintiff.

5. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present appeal is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

April 01, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No