

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-3615 of 2016 (O&M)
Date of decision: 30.08.2022

Pritam Singh

..Appellant

Versus

Darshan Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.V.S.Chugh, Advocate, for the appellant.

Mr. I.S.Brar, Advocate, for the respondent.

ANIL KSHETARPAL, J(Oral)

While assailing the concurrent findings of fact arrived at by the courts below, the defendant has filed the present appeal.

A suit filed by the plaintiff for recovery of the amount on the basis of a pronote and receipt has been decreed by both the courts below. The defendant (appellant) claims that he had never borrowed the amount and the pronote and receipt both are forged documents.

Both the Courts on the appreciation of evidence have decreed the suit.

This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book and the records of the courts below which was requisitioned.

The learned counsel representing the appellant contends that the pronote was actually executed on 05.01.2000 and not on 05.09.2010. He submits that there is over writing in the pronote and the plaintiff as well as PW2 admit that fact.

On the other hand, the learned counsel representing the respondent submits that the plaintiff apart from appearing himself has also

examined Sh. Avtar Singh and Sh. Mangat Singh, both the marginal witnesses of the document.

This Court has carefully examined the pronote Ex.P1. There is overwriting with respect to the year on which it was executed. The figure 2000 has been over written as 2010. However, below the pronote, there is a separate receipt bearing the date of 05.09.2010. There is no overwriting on the aforesaid receipt. The defendant has thumb marked the pronote as well as the receipt. The defendant has not led any evidence to prove that the revenue stamps pasted on the pronote and receipt were issued in the year 2000.

The learned counsel representing the appellant has read over the statement of plaintiff as well as PW2. The learned counsel representing the defendant while focusing on the place of its execution has tried to suggest that the pronote was executed on 05.01.2000. It was a trick question put forth by learned counsel for defendant. The witness while answering has explained about the place of its execution without referring to the date of its execution. The pronote is a negotiable instrument. Both the courts on appreciation have found that the defendant while borrowing the amount executed the pronote and receipt.

Hence, no ground to interfere is made out.

Dismissed.

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

August 30, 2022

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(ANIL KSHETARPAL)
JUDGE

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

