

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

RSA-1151-2014(O&M)
Date of decision: 06.07.2022

M/S NAGPAL PESTICIDES

...Appellant

Versus

M/S SAMA PESTICIDE & ANR.

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Prashar, Advocate, for the appellant.
Mr. Ashok Aneja, Advocate, for the respondents.

ANIL KSHETARPAL, J (Oral)

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

The suit filed for recovery of Rs.15,49, 310.40/-, on the basis of books of accounts, has been dismissed by the courts below. It is the case of the plaintiff that defendant no.2 through defendant no.1 purchased the pesticides from the plaintiff-firm on credit basis but did not pay the price.

The defendants contested the suit while asserting that the defendants purchased the pesticides while paying cash.

Both the courts have found that certain invoices reflect cash transactions, whereas, certain transactions reflect that the payment has been received within a period of 4-5 days, however, the books of accounts have never been updated. The court further found that the accounts ledger is neither page marked nor maintained in the regular course of business.

This Bench has heard the learned counsel representing the

parties at length and with their able assistance perused the paper book.

The learned counsel representing the appellant contends that the books of accounts could not be doubted only on account of error in one or two entries. He submits that the courts could have decreed the suit while reducing the amount.

Per contra, the learned counsel representing the respondents contends that the plaintiff has sought recovery of the amount on the basis of books of accounts maintained by the plaintiff-firm and in the absence of evidence to prove that these accounts were maintained in a regular course of business in accordance with well settled rules, both the courts have, correctly, dismissed the suit.

After analyzing the arguments of the learned counsel representing the parties, this court is of the considered opinion that there is no force in the argument of the learned counsel representing the appellant. A civil suit is required to be decided on preponderance of probabilities. At the cost of repetition, the plaintiff's suit is based only on the books of accounts which is not proved to be regularly maintained. Both the courts have taken a plausible view of the matter on appreciation of evidence.

Hence, no ground to interference is made out.

Dismissed.

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

July 06, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No