2023:PHHC:113411

140 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-1051-2022 (O&M)
Date of decision: 29.08.2023

Usha Rani and another

..Appellants

Versus

Bhajan Lal .Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Dr. Anju Sharma, Advocate for the appellants

ANIL KSHETARPAL, J (Oral)

1. The correctness of the concurrent findings of fact arrived at by the courts below is assailed by the defendants in this Regular Second Appeal. A suit for recovery of Rs.1,37,500/- on the basis of a pronote and receipt has been decreed by both the courts below after noticing that both the marginal witnesses have deposed in favour of the plaintiff. The signatures of the defendants have also been proved by examining finger print and handwriting expert. However, the courts have decreed the suit to the extent of Rs.80,000/- as principal amount alongwith interest at the rate of 10% per annum during the pendency of the suit whereas 6% towards future interest.

2 Heard the learned counsel representing the appellants at length and with her able assistance perused the paperbook and a photocopy of the pronote, which was produced by her.

3. Learned counsel representing the appellants has tried to impress upon the point that there is interpolation in the date on which the pronote was executed. She submits that once there is interpolation, the same becomes void in view of Section 87 of the Negotiable Instruments

Act, 1881. She further submits that there is reference to 04.09.2011 and therefore, the pronote has been interpolated.

4. This Court has carefully perused the pronote as well as the receipt. 05.01.2015 is the date clearly mentioned in the pronote. Appellant no.1 has signed on two different revenue stamps. She has signed the same in such a manner that half of her signatures are on the pronote and the remaining half are on the revenue stamp. Her husband - Indraj has also signed the pronote. On the same page, a receipt is printed, which is again executed on 05.01.2015. Again 05.01.2015 has been repeated. On the receipt, again appellant no.1 has signed on the revenue stamp, which has been separately affixed. There is no overwriting which may fall within the scope of interpolation.

Similarly, there is no substance in the argument of the learned counsel representing the appellants with reference to the date 04.09.2011. This has been mentioned under the figure HR/24/ 157079/SSA. The same figure has been repeated above the signatures of the scribe. It appears to be license number of the scribe and the date when it was issued has been written.

5. In view of the aforesaid facts, no ground to interfere is made out.

6. Hence, dismissed.

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

29.08.2023 **(ANIL KSHETARPAL)**
rekha **JUDGE**

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