

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

104+214

RSA-5420-2014 (O&M)

DATE OF DECISION: 30.01.2023

SULKHAN SINGH

... Appellant (s)

Versus

M/S PRITAM SINGH IQBAL SINGH AND ORS.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Ramesh Sharma, Advocate for the appellant.

Mr. Viney Saini, Advocate for

Mr. G.S. Nagra, Advocate for respondent No.1.

ANUPINDER SINGH GREWAL, J. (ORAL)

The appellant/defendant has challenged the findings of the judgment of the lower appellate court dated 17.03.2014 whereby the suit for recovery preferred by the respondents/plaintiffs has been decreed.

Learned counsel for the appellant/defendant submits that there was no cogent evidence in support of the suit for recovery of Rs.1,84,472/- filed by respondent/plaintiff and it was rightly dismissed by the Trial Court on 03.09.2008.

Learned counsel for the respondent/plaintiff submits that the plaintiffs had been able to establish their case for recovery of the above-said amount which they had paid to the defendant/appellant and therefore, the suit had rightly been decreed by the Appellate Court on 17.03.2014.

Heard.

Respondent No.1 had filed the suit for recovery of Rs.1,84,742/- on account of money which they had paid to the appellant/defendants. In support of the suit, the plaintiffs had examined PW-1-Iqbal Singh, who is son

of Pritam Singh (the plaintiff) and also the sole proprietor of the firm, who had proved the entries in the 'bahikhata' with regard to the payment of money. PW-2 –Munim of plaintiffs had also supported their case and relevant entries in the account books had been duly proved.

On the contrary, appellant/defendant No.1-Sulakhan Singh, who was examined as DW-1, had admitted that the plaintiff-Pritam Singh was the proprietor and he used to sell his crops through his father. He has also admitted in cross-examination that prior to selling crops, he used to take money from the plaintiffs as loan. He has admitted his signatures on the receipts at Exhibits P-6, P-9, P-12, P-13 and P-15 wherein he is stated to have taken advance from the plaintiffs. It is, thus, manifest that the plaintiffs had been able to prove their case for the recovery of the amount which they had advanced to the appellant/defendants.

Consequently, I do not find any infirmity in the order of the appellate court decreeing the suit. The appeal stands dismissed.

Civil miscellaneous application(s), if, any, also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

30.01.2023

SwarnjitS

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