

2024:PHHC:005434

**106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CM-396-C-2024
in/and
RSA-1054-2017 (O&M)
Date of decision: 16.01.2024

Rajbir

....Appellant

Versus

Dharam Singh

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Tara Chand Dhanwal, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. Though an application for grant of stay of recovery in a money decree has been filed, however, on the offer made by the Court to the learned counsel representing the appellant, he has agreed to address the Court on the merits of the appeal. Hence, the hearing of the appeal is preponed from 28.02.2024, to today and the same is taken on Board for final disposal.

2. In this Regular Second Appeal, the concurrent finding of facts arrived at by the courts below while decreeing the plaintiff's (respondent herein) suit for recovery of Rs.1,43,792/- has been challenged. The suit was filed on the basis of the entry in the regular book of accounts, which was produced as Ex.P-1. The defendant (appellant) alleged that he had borrowed an amount of Rs.27,000/- long time back from the plaintiff and he has prepared the forged account books. In order to prove the case, the plaintiff

examined himself as well as the handwriting and finger print expert. The defendant (appellant) himself appeared in evidence. On appreciation of evidence, both the courts decreed the suit.

3. Learned counsel representing the appellant submits that only one leaf of the account book was produced in evidence. He submits that the complete account book has not been produced.

4. This Court has considered the submissions made by the learned counsel representing the appellant and examined the deposition of the plaintiff, who has appeared as PW1 from the requisitioned record. He has stated that Ex.P1 is part of the account book. Learned counsel representing the defendant was given opportunity to cross-examine the witness. He never called upon the plaintiff to produce the complete account book. The finger print expert has already compared the signatures.

5. Keeping in view 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.

16.01.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE