

RSA-2469-2018(O&M)

2024:PHHC:013778

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

RSA-2469-2018(O&M)

Date of decision :31.01.2024

M/s Nogawan Traders and another

...Appellants

Vs.

Baldev Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amandeep Saini, Advocate
for the appellants.

ANIL KSHETARPAL, J.(Oral)

1. In this second appeal, the correctness of concurrent findings of the fact arrived at by the Courts below while dismissing appellant's suit for recovery of Rs.4,74,931/- is assailed.

2. The appellant is a commission agent. The respondent is a farmer who used to sell his yield from the agricultural land through the appellant Firm. The appellant Firm borrowed some amount from the Bank. The respondent mortgaged his 20 kanals land as a guarantor to secure the loan in favour of the appellant Firm. Subsequently, there was some dispute and on 06.08.2008, the defendant paid the entire outstanding amount. However, the suit was filed on 14.05.2011, on the basis of a 'Bahi' entry for recovery of the amount.

3. Both the Courts have come to a conclusion that the plaintiff has himself admitted in his cross-examination that on 15.05.2008, the defendant settled the account with the appellant-Firm. Thus, there was no occasion to further advance the amount on 06.06.2008. Furthermore, the wife of the partner of the plaintiff Firm has filed a Civil Suit No. 5 dated 19.01.2012, for grant of

decree of possession by way of specific performance of agreement to sell. Moreover, the plaintiff failed to examine the author of the books of accounts to prove the entry.

4. Heard the learned counsel representing the appellants at length and with his able assistance perused the paper-book.
5. Learned counsel representing the appellant failed to draw the attention of this Court to any substantive misreading or non-reading of the evidence, which goes to the root of the case. He also failed to draw the attention of the Court to any perversity in the judgments passed by the Courts below.
6. In view of the aforesaid facts, no ground for interference is made out.
7. Hence, dismissed.

31.01.2024

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Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(ANIL KSHETARPAL)
JUDGE

No
No