



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

SECOND APPEAL NO.64/2023

M/s Sai Auto Agencies Through its Partner Shri Dnyandeo Ramdas Rane
...Versus...
Smt. Swati Vijay Deshmukh

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. N.S. Badhe and Mr. Ritesh Badhe, Advocates for appellant

CORAM : ROHIT W. JOSHI, J.
DATE : 22/09/2025

1. The second appeal is preferred by the original plaintiff, who is aggrieved by the dismissal of suit for recovery filed by him against the defendant. The judgment and decree dismissing the suit is confirmed by the learned first appellate Court.
2. The case of the plaintiff is that husband of defendant had purchased a tractor from it. It is stated that the tractor was purchased on bank finance and that the husband of plaintiff was in need of Rs.1,45,000/- for making down payment. According to plaintiff this amount of Rs.1,45,000/- was advanced by it to the husband of defendant. The case of the plaintiff is based on two documents titled as "Vinanti Arj" (Request Letter) dated 13/11/2005 and "Usanwar Chitthi" (Hand loan Letter) dated 15/11/2005 as also cheque dated 15/02/2006. These documents are purportedly signed by the husband of defendant.

3. Both the learned Courts have concurrently held that the plaintiff could not prove that husband of defendant had signed the said documents. The learned trial Court has also recorded that bank witness who was examined as PW 2 did not depose that sum of Rs.1,45,000/- was received towards down payment. The learned first appellate Court has also recorded that the plaintiff did not produce books of account to demonstrate entry of Rs.1,45,000/- allegedly advanced to the husband of defendant. All these findings are findings of facts recorded by both the learned Courts concurrently. Reappreciation of evidence is not permissible in second appeal. No substantial question of law arises for consideration. The second appeal is dismissed. No order as to costs.

(ROHIT W. JOSHI, J.)