



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

RSA-1297-2022 (O&M)

Date of Decision.:20.01.2025

Gursewak Singh

.....Appellant

Vs.

M/s Jasvir Singh Trading Company and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Mohit Kumar, Advocate for the appellant.

DEEPAK GUPTA, J. (ORAL)

Defendant of the suit is before this Court against the concurrent findings of the Courts below, inasmuch as suit for recovery of ₹2,69,379/- (₹2,20,803/- as principal amount + ₹48,576/- as interest) filed by plaintiffs (*respondents herein*) was decreed by the trial Court on 17.01.2020 and the appeal filed by the defendant-appellant was dismissed by the first Appellate Court on 30.11.2021.

2. The case of the plaintiffs was based upon the loan transactions by contending that defendant had taken loan on different dates from the plaintiffs by virtue of 07 cheques as per details given in para No.3 of the judgment of the Appellate Court for total amount of ₹12,60,000/-. It was contended that an amount of ₹10,39,196.27/- was adjusted, inasmuch as defendant had made payment of the said amount from time to time, as per the details given in para No.3 of the judgment of the Appellate Court. Balance amount of ₹2,20,803/- was due as principal amount and after including the interest component, decree for recovery was sought.

3. The only defence pleaded by the defendant was that he had made the payment to the plaintiffs, as plaintiffs used to buy milk from the defendant and so, the amount was adjusted.

**RSA-1297-2022 (O&M)****-2-**

4. Both the Courts below came to the conclusion that plaintiffs had successfully proved advancement of loan to the plaintiffs to the tune of ₹12,60,000/-, out of which ₹10,39,196.27/- had already been paid and thus, the claimed amount of ₹2,20,803/- was outstanding. Defendant- appellant failed to produce any cogent evidence so as to prove that the amount as claimed by the plaintiffs had been adjusted against sale of any milk. Before this Court also, the counsel for the appellant- defendant has failed to convince as to how the said payment was made. There is no cogent evidence to substantiate the contention of adjustment of amount for sale of milk.

5. In the aforesaid facts and circumstances, this Court does not find any reason to take a different view from the view as taken by the Courts below. As such, there is no scope to interfere in the concurrent findings of facts as recorded by the Courts below, which are based upon proper appreciation of evidence on record.

6. Holding the present appeal to be devoid of any merits, same is hereby dismissed.

(DEEPAK GUPTA)
JUDGE

January 20, 2025*Neetika Tuteja*

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No