



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

RSA-1424-1991 (O&M)

Date of decision: 15.01.2025

RANJIT SINGH

..Appellant

Versus

JATINDER PAL (DECEASED) THROUGH LRS. & ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjay Majithia, Sr. Advocate
with Mr. Sumit Sinha, Advocate
for the appellant.

Mr. P.S. Punia, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. The correctness of the concurrent findings of fact arrived at by the Courts below is assailed by the defendant. The plaintiffs filed a suit for recovery of Rs.1,17,464/- from the defendant claiming that they had given a loan of Rs.60,000/- vide document Ex.P-1 dated 20.12.1981, while agreeing to repay the amount by 30.06.1982. Subsequently, another document Ex.P-2 was executed by the defendant on payment of Rs.5,000/- and while paying Rs.5,000/- towards part payment and agreed to pay the balance by 14.06.1984. The defendant contested the suit claiming that no loan was taken and the documents adduced are not admissible in evidence. When Ex.P-1 and P-2 was produced in evidence by Sh. Budh Singh (PW-2), their admissibility was objected on the ground that these are not sufficiently stamped. The Court ordered the plaintiffs to make good the deficiency along with penalty, which was deposited.



2. Both the Courts decreed the suit.
3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook along with requisitioned record.
4. Learned counsel representing the appellant has submitted that the document Ex.P-1 and P-2 are not signed by the plaintiffs and therefore, not admissible. He further submits that plaintiffs have themselves taken loan of Rs.15,000/- from Cooperative Bank on 04.11.1981, hence, there was no occasion for them to lend the money to the defendant. He further submits that scribe has not been examined and there is evidence of enmity between Sh. Jatinder Pal Singh and the appellant.
5. This Court has considered the submissions, however, finds no merit therein.
6. Document Ex.P-1 and P-2 are in the form of either a receipt or undertaking or an agreement. These are signed by the defendant. Even if the document has not been signed by the plaintiffs, still it is enforceable against the defendant particularly when defendant's signatures have been proved.
7. The second argument of learned Senior counsel for the appellant lacks substance because the Court cannot record findings only on the basis of assumptions.
8. In this case, the plaintiffs in order to prove Ex.P-1 and P-2, examined Sh. Ram Kishan (plaintiff), Sh. Budh Singh and Sh. Kehar Singh (both the attesting witnesses).
9. Similarly, the scribe is not required to be examined particularly when both the marginal witnesses have been examined.



- 10. Similar is the position with regard to last argument because the oral testimony of one witness is not sufficient to discard document, which have been proved on file.
- 11. Hence, no ground to interfere is made out.
- 12. Dismissed accordingly.
- 13. All the pending miscellaneous applications, if any, are also disposed of.

January 15th, 2025
Ay

(ANIL KSHETARPAL)
JUDGE

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