

2025:PHHC:117852



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

RSA-3021-2023 (O&M)
Reserved on : 29.08.2025
Pronounced on : 02.09.2025

M/s Verma Metals

....Appellant

VERSUS

M/s Jagdamba Metals Udyogs

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Varlin Garg, Advocate for the appellant.
(Legal Aid Counsel).

ALKA SARIN, J.

CM-10743-C-2023

1. For the reasons mentioned therein, the application seeking condonation of 74 days delay in refiling the appeal is allowed. The delay in refiling the appeal is condoned.

CM-10744-C-2023

2. For the reasons mentioned therein, the application seeking condonation of 4 days delay in filing the appeal is allowed. The delay in filing the appeal is condoned.

RSA-3021-2023

3. The present regular second appeal has been preferred by the defendant-appellant against the judgements and decrees dated 11.08.2017 and 14.02.2023 passed by the Trial Court and the First Appellate Court. The suit for recovery filed by the plaintiff-respondent stands decreed.

4. The suit for recovery was filed by the plaintiff-respondent on the allegations it deals in different kinds of metals and is in business transactions with the defendant-appellant for the past several years and had been supplying goods as per the specifications on their purchase order at their place of work. As per the account books maintained by the plaintiff-respondent in the regular course of business, there are certain amounts which were due and payable by the defendant-appellant. On 05.07.2012 an amount of Rs.8,63,617/- remained due to the plaintiff-respondent by the defendant-appellant for the recovery of which a legal notice was also served on 10.06.2013. Hence, the suit for recovery of Rs.8,63,617/-. The suit was contested by the defendant-appellant who in the written statement raised preliminary objections regarding maintainability, locus standi, concealment of material facts, estoppel, etc. On merits, it was stated that there were no written agreement between the parties and that no amount was due and payable by it. No replication was filed by the plaintiff-respondent.

5. From the pleadings of the parties following issues were framed by the Trial Court :

1. Whether the plaintiff is entitled to a decree for recovery of Rs.8,63,617/-alongwith interest @ 24% per annum from the date of its institution of the suit, till its realization alongwith cost ? OPP
2. Whether the plaintiff has no locus standi to file the present suit ? OPD

3. Whether the plaintiff has not come to the court with clean hands ? OPD
4. Whether the suit of the plaintiff is estopped by his own act and conduct ? OPD
5. Relief.
6. Vide judgement and decree dated 11.08.2017 the Trial Court decreed the suit of the plaintiff-respondent along with interest @ 6% from the date of the filing of the suit till its realization. Against the judgement and decree passed by the Trial Court the defendant-appellant filed an appeal. Vide judgement and decree dated 14.02.2023 the said appeal was dismissed by the First Appellate Court. Hence, the present regular second appeal by the defendant-appellant.
7. Learned counsel for the defendant-appellant has contended that both the Courts have erred in decreeing the suit of the plaintiff-respondent and granting the relief of recovery. It is urged that the defendant-appellant did not owe any amount to the plaintiff-respondent. Rather, the plaintiff-respondent was liable to pay Rs.32,565/- to the defendant-appellant. It is further submitted that the Courts have erred in rejecting the evidence led by the defendant-appellant on the premise of absence of certificate under Section 65-B(4) of the Evidence Act, 1872.
8. Heard counsel for the defendant-appellant and perused the paperbook.
9. In the present case the suit of the plaintiff-respondent for recovery stands decreed by both the Courts. It has been found that the

defendant-appellant failed to prove that it had sold aluminium to the plaintiff-respondent for which any amount was due to it. The complaint under the Negotiable Instruments Act, 1881 filed by the defendant-appellant also stands dismissed. The computer print outs relied upon by the defendant-appellant did not pass the test under the Evidence Act, 1872 Section 65-B whereof has laid down a strict test to ascertain the authenticity of the creation or the recording of the information. In the absence of any cogent and reliable evidence led by the defendant-appellant to show that it did not owe any amount to the plaintiff-respondent, the Courts below have rightly decreed the suit of the plaintiff-respondent.

10. In view of the above, no fault can be found with the judgments and decrees passed by both the Courts. In the face of the findings recorded by both the fact finding Courts, there is no scope for any interference by this Court. No cogent and reliable evidence has been highlighted by the counsel for the defendant-appellant for this Court to take a contrary view from the one taken by both the Courts. No other point was argued.

11. No question of law, much less any substantial question of law, arises in the present case. The appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

02.09.2025

Ankur

(ALKA SARIN)

JUDGE

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No