



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

110

RSA-2693-2025 (O&M)

Date of decision :05.08.2025

LAKHVIR SINGH

... APPELLANT

VERSUS

HARJEET SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Karan Singla, Advocate
for the appellant.

PARMOD GOYAL, J. (ORAL)**CM-9348-C-2025**

This is an application for condonation of delay of 33 days in filing the present appeal.

For the reasons mentioned in the application, the same is allowed as reasons stated are just and sufficient reasons and, therefore, the delay of 33 days in filing the present appeal, is hereby condoned.

Main Case

Appellant-defendant aggrieved by judgment and decree dated 07.02.2024 passed by Additional Civil Judge (Senior Division), Dhuri vide which suit of plaintiff-respondent for recovery of ₹2,52,130/- was decreed and upheld by Appellate Court presided over by District Judge, Sangrur, has preferred present Regular Second Appeal.

2. Plaintiff-respondent had sought recovery of ₹2,52,130/- on the ground that appellant-defendant had borrowed a sum of ₹2,00,000/- on 05.06.2018 and had agreed to pay interest @ 1% per month after executing pronote and receipt in favour of plaintiff. However, despite repeated requests and in violation of pronote, borrowed amount was not repaid.



3. Defendant on the other side denied the allegations made by plaintiff and asserted that Tarsem Lal son of Raja Ram is commission agent at Dhuri and defendant used to sell his agriculture produce to him. The real sister of defendant Lakhvir Singh is married to brother of plaintiff namely Parwinder Singh. Parwinder Singh and plaintiff also used to sell their agricultural produce through the commission agency of Tarsem Lal. He claimed that Parwinder Singh, plaintiff and Tarsem Lal had great proximity with each other. The defendant had approached Parwinder Singh for borrowing a sum of ₹2,00,000/- which he advanced after taking from Tarsem Lal. In lieu of this, Tarsem Lal obtained blank signed pronote and receipt from defendant as a security. Defendant-appellant claimed that he had duly repaid said amount along with interest to Tarsem Lal and nothing was due but taking advantage of blank signed pronote and receipt, Tarsem Lal got the suit for recovery instituted through plaintiff, due to strained relation with Parwinder Singh on account of matrimonial dispute in the family of his sister. The application was made before police officials by wife of defendant, however, under the pressure of Tarsem Lal and others police obtained 6 cheques amounting to ₹50,000/- each under threat and coercion. It is asserted that Parwinder Singh had also filed one false complaint under section 138 of Negotiable Instruments Act.

4. Following issues were framed by Court of first instance: -

- “(i) *Whether plaintiff is entitled for recovery of Rs. 2,00,000/- on the basis of pronote and receipt dated 05.06.2018 and agreed to repay the said amount with interest @ Rs.1% per month, as prayed for? OPP*
- (ii) *If Issue no. 1 is proved in favour of the plaintiff, whether the plaintiff is entitled to the recovery of said amount with interest and cost, as prayed for? OPP*
- (iii) *Whether the suit of the plaintiff is legally maintainable in the*



present form or not? OPD

(iv) *Whether the plaintiff has no cause of action of locus standi to file the present suit? OPD*

(v) *Whether the plaintiff has concealed the true and material facts from the Court? OPD*

(vi) *Relief.”*

5. Parties have thereafter led their respective evidence. Both the Courts below after going through evidence led by both the parties concluded issue Nos. 1, 3 and 4 in favour of plaintiff and issue No. 2 was decided partly in favour of plaintiff and against the defendant. Suit was decreed and appeal preferred by defendant-appellant was also dismissed.

6. Learned counsel for the appellant before this Court has argued that learned Courts below have erred in appreciating the evidence led by defendant and that of plaintiff as from the evidence of plaintiff as well as defendant, the defence taken by defendant-appellant stands duly established. It is clearly established that plaintiff had misused blank pronote and receipt under pressure of Tarsem Lal and Parwinder Singh.

7. On consideration of arguments raised on behalf of appellant, I find that both the Courts have thoroughly gone through the evidence led by both the parties and have rightly concluded due execution of pronote and receipt in favour of plaintiff. The defence taken by defendant has not been accepted by the Courts below. In fact on consideration I also find the same to be without any basis. Except for oral assertions of defendant, there is no material to conclude that the pronote and receipt were prepared after taking signatures of defendant on blank papers. Due execution of pronote stands proved by the witnesses of plaintiff.

8. Moreover, present being Regular Second Appeal, it is incumbent upon appellant-defendant to show that a substantial question of law is involved in



the present appeal. No questions of law in fact have been framed or have been shown to have arisen. The entire case of the plaintiff and defendant was based upon appreciation of facts/evidence. The finding of facts given by both the Courts below cannot be held to be perverse or illegal. Accordingly, there is no reason for interfering in the judgments passed by learned Courts below. There is no irregularity, perversity or illegality in the impugned judgments and decrees dated 07.02.2024 and 07.03.2025.

- 9. Accordingly, the present appeal is dismissed with costs.
- 10. Decree sheet be prepared accordingly.
- 11. Pending miscellaneous application(s), if any, shall also stand disposed of.

05.08.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No