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

RSA-5249-2019 (O&M)

Date of Decision : 17.01.2025

Sanjeev Kumar

... Appellant(s)

Versus

Surinder Pal

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vivek Sharma, Advocate for the appellant.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the plaintiff-appellant challenging the concurrent findings returned by the Trial Court vide judgment and decree dated 19.11.2018 and by the First Appellate Court vide judgment and decree dated 22.07.2019 dismissing the suit filed by the plaintiff-appellant for recovery of ₹51,104/-.

2. Brief facts relevant to the present *lis* are that the plaintiff-appellant averred in the plaint that he was doing the work of an electrician under the name and style of M/s National Electricals and Electronics and in the month of August 2015 the defendant-respondent had approached the plaintiff-appellant and engaged him for doing some electrical fittings in his whole house and after inspecting the same he had given an estimate of ₹60,000/- for completing all the electricity work in the house. Thereafter, the work was started by the plaintiff-appellant in the house of the defendant-respondent and all the electric work was done by the workers of the plaintiff-appellant, namely, Sarwan son of Chainchal Singh, Ali son of Rasool

Ansari, Anil Kumar son of Balwinder Singh etc. and the plaintiff-appellant raised various bills. It was further averred that the defendant-respondent paid only an amount of ₹11,000/- i.e. ₹6,000/- on 19.12.2015 and ₹5,000/- on 13.02.2016. Thereafter, the remaining amount was not paid even despite the registered notice. In the written statement various preliminary objections were raised. On merits it was stated that the defendant-respondent had never engaged the plaintiff-appellant to do any work. Replication was filed. On the basis of the pleadings, the following issues were framed :

1. Whether the plaintiff is entitled to recovery of ₹51,104/- from the defendant as prayed for ? OPP
2. Whether the suit is not maintainable in the present form ? OPD
3. Relief.

3. The Trial Court vide judgment and decree dated 19.11.2018 dismissed the suit. Aggrieved by the same, an appeal was preferred by the plaintiff-appellant which appeal was also dismissed by the First Appellate Court vide judgment and decree dated 22.07.2019. Hence, the present regular second appeal.

4. The only argument raised by the learned counsel for the plaintiff-appellant is that a contradictory plea had been raised by the defendant-respondent in para 8 of the written statement. It is further the contention of the learned counsel that though it had been denied that any work was got done, however, in para 8 of the written statement, it was stated that all amounts stood paid.

5. I have heard the learned counsel for the plaintiff-appellant.

6. In the present case both the Courts concurrently found that there was not an iota of evidence to show that any work had been carried out by the plaintiff-appellant at the house of the defendant-respondent. Even the bills which were placed on the record were only copies of the original and the same were not proved in accordance with law. The bills also did not bear the signatures of the defendant-respondent. Infact, none of the workers who are stated to have carried out the electric work were even examined. In the absence of any evidence, no fault can be found with the judgments and decrees passed by both the Courts.

7. In view of the above, 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.

17.01.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO