



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on 15th of September, 2025
Pronounced on 3rd of December, 2025
Uploaded on 3rd of December, 2025

Whether only operative part of the judgment is pronounced? No
Whether full judgment is pronounced? Yes

RSA No.4047 of 2016 (O&M)

Satish Kumar and anotherAppellants

Versus

M/s Sadhu Ram Babu Ram and another ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Himanshu Arora, Advocate and
Mr. H.S. Dhandi, Advocate
for the appellants.

None for the respondents.

PANKAJ JAIN, J.

Defendants are in second appeal.

2. For convenience and to avoid confusion, the parties hereinafter are referred to as by their original position before the Court of First Instance, i.e., the appellants as defendants and the respondents as plaintiffs.
3. Plaintiffs filed suit for recovery of Rs.4,16,114/- claiming that Gulab Singh, father of defendant No.1 and husband of defendant No.2 used to sell his crops at the shop of the plaintiff and used to borrow money in



advance. Gulab Singh borrowed an amount of Rs.3,00,000/- from the plaintiffs in the first week of July, 2009 and promised to return the same by 31.05.2010 along with interest @ 18% per annum. A total sum of Rs.3,02,629/- was advanced to Gulab Singh from 23.07.2009 to 27.10.2009 against acknowledgment dated 31.10.2009. Gulab Singh also executed promissory note on 31.10.2009 for an amount of Rs.3,02,629/- in favour of plaintiffs. Gulab Singh unfortunately died before 31.05.2010. Initially, defendants assured plaintiffs of returning the amount being successors-in-interest of Gulab Singh. However, they failed to repay the amount. Plaintiffs served legal notice dated 24.06.2011 through registered post. The same was received by defendant No.2 but was refused by defendant No.1. It led to filing of the present suit.

4. Suit was contested by the defendants, who filed joint written statement. It was denied that Gulab Singh ever borrowed a sum of Rs.3,00,000/- as claimed by the plaintiffs. Though, the defendants admitted of being legal heirs of deceased Gulab Singh but claimed that they did not inherit any land from him.

5. The Court of First Instance framed the following issues:

- “1 Whether the plaintiffs are entitled to the recovery as prayed for? OPP
- 2 Whether the suit is not maintainable in the present form? OPD
- 3 Whether the civil court has no jurisdiction to entertain & try the present suit? OPD
- 4 Whether the plaintiffs have no cause of action to file the



present suit? OPD

5 Relief.”

6. Plaintiff in order to prove lending of money, proved various receipts, Exhibit P2 to Exhibit P16. Ledger account of late Gulab Singh was tendered in evidence, as Exhibit P-17. Copy of Income Tax Return was proved as Exhibit P-18 wherein Gulab Singh was shown to be a sundry debtor to the extent of Rs.3,02,629/-. Promissory note, in original, was proved on record as Exhibit P1 and receipt of even date was tendered in evidence as Exhibit P22. One of the attesting witnesses namely Sudesh Kumar son of Dasaundi Ram, to the promissory note was examined as PW1. In order to prove the signatures of Gulab Singh on the promissory note, handwriting expert was examined as PW4. Defendant No.1 appeared as DW1. He admitted of having inherited 5-6 acres of land from his father Gulab Singh.

7. After analyzing the evidence threadbare, the Court of First Instance, came to the conclusion that the plaintiffs are entitled for decree of recovery of Rs.4,16,114/- along with *pendente lite* and future interest @ 9% per annum and decreed the suit.

8. In the appeal preferred by defendants, the Lower Appellate Court partly allowed the same by decreeing the suit for principal amount of Rs.3,23,059/- along with interest @ 6% per annum from the date of filing of the suit till the date of actual realization.



9. Counsel for the appellants has assailed the findings recorded by the Courts below, contending that mere entries in account books by themselves cannot be deemed sufficient to hold defendants/appellants liable. Reliance is being placed upon ratio of law laid down in the case of **M/s Ganesh Mal Nanak Chand vs. Chhinder Kaur and others, 2014 (39) R.C.R.(Civil) 218. Randhir Singh vs. Ram Kumar, 2015 (3) R.C.R. (Civil) 913, Narsi Dass vs. Surender, 2015(1) R.C.R.(Civil) 108, Smt. Sushil Rani vs. Attam Parkash, 2007(3) R.C.R.(Civil) 396, Ram Singh vs. Rajiv Kumar and Company, 2013(5) R.C.R.(Civil) 35, Narayan vs. Indian Handloom Trader, 1999(2) R.C.R.(Civil) 275, Chandradhar Goswami and others vs. Gauhati Bank Ltd, 1967 AIR (SC) 1058 and Dhup Singh vs. Pheru and others, 2015(4) R.C.R.(Civil) 463.**

10. I have heard counsel for the appellants and have gone through records of the case.

11. There can't be any dispute with the mandate of Section 34 of the Indian Evidence Act, 1872 that the *bahi* entries alone cannot be held sufficient to hold appellants liable. However, in the present case, there is a promissory note executed by late Gulab Singh along with acknowledgment of the even date i.e., 31.10.2009 whereby Gulab Singh promised to pay back amount of Rs.3,02,629/- along with interest @ 18% per annum to the defendants. Income Tax Returns of the plaintiff have been proved wherein Gulab Singh has been shown to be a sundry debtor to the extent of the



principal amount. Plaintiffs led evidence to prove signatures of Gulab Singh on promissory note as well as acknowledgment. Receipts Exhibit P-2 to Exhibit P-16 for the period ranging from 23.07.2009 till 27.10.2009 have been proved. It has come on record that the plaintiffs served legal notice upon the defendants demanding the amount borrowed by Gulab Singh. It stands proved that the same was served upon defendant No.2. She failed to respond to the same. Thus, it is not a case wherein the plaintiffs claim recovery merely on the basis of account statement. There being overwhelming evidence on record to corroborate the account statement including promissory note and receipts, this Court finds no reason to interfere in the concurrent findings of fact recorded by the Courts below.

12. Finding no merit in the present appeal, the same is ordered to be dismissed.
13. Pending application, if any, shall also stands disposed off.

December 03, 2025		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No