



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

RSA-232-2019 (O&M)

Reserved on : 14.11.2025

Pronounced on : 27.11.2025

Judgment uploaded on : 27.11.2025

Whether only the operative part of the judgment is pronounced or whether the full judgment is pronounced : Full

Manjit Singh

....Appellant

VERSUS

Ravinder Singh

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Himanshu Raj, Advocate for the appellant.

ALKA SARIN, J.

CM-516-C-2019

1. For the reasons stated in the application, the same is allowed. The delay of 84 days in filing the present appeal is condoned.

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2. The present appeal has been filed by the plaintiff-appellant challenging concurrent findings returned by the Trial Court vide judgment and decree dated 24.04.2017 and the First Appellate Court vide judgment and decree dated 29.11.2017. The suit for recovery filed by the plaintiff-appellant has been dismissed by both the Courts.

3. The brief facts relevant to the present *lis* are that the plaintiff-appellant and the defendant-respondent are related to each other. The plaintiff-appellant is settled in Sweden. It is alleged that in 2009 the defendant-respondent approached the plaintiff-appellant stating that he needed money

for domestic purposes, the plaintiff-appellant advanced him Rs.10,00,000/- in cash. Since the amount was not returned, on 10.07.2009 the defendant-respondent executed an affidavit promising to return the amount within four years. However, despite expiry of the period of four years and despite issuance of legal notice the defendant-respondent did not return the amount. Hence, the suit for recovery of Rs.10,00,000/- as principal and Rs.7,70,000/- as interest. The defendant-respondent in his written statement denied having any need for taking any money from the plaintiff-appellant who had been declared a proclaimed offender in a criminal case. It was rather the stand taken that it was the plaintiff-appellant who had extorted Rs.8 lacs from the defendant-respondent in India out of which Rs.6,40,000/- was paid by the defendant-respondent by selling his land vide two sale deeds dated 12.03.2008 and 18.10.2007 and another Rs.17 lacs was extorted by the plaintiff-appellant from the sons of the defendant-respondent in Sweden. No replication was filed.

4. On the basis of pleadings of the parties, the following issues were framed :

1. Whether the plaintiff is entitled to the relief of recovery, as prayed for ? OPP

2. Whether the suit is not maintainable ? OPD

5. The Trial Court vide judgment and decree dated 24.04.2017 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 29.11.2017. Hence, the present regular second appeal.

6. Learned counsel for the plaintiff-appellant would contend that both the Courts have erred in dismissing the suit of the plaintiff-appellant. It is urged that the fact of the plaintiff-appellant having advanced Rs.10 lakhs to the defendant-respondent stood proved on the record by the affidavit (Ex.P4) and the certificates (Ex.P1 and Ex.P2) issued by the banks. It has further been contended that in view of the case having been fully proved by the plaintiff-appellant, his suit for recovery deserved to be decreed.

7. I have heard learned counsel for the plaintiff-appellants and perused the record.

8. In the present case both the Courts have concurrently non-suited the plaintiff-appellant. While the Trial Court dismissed the suit on the ground of limitation, the First Appellate Court found that the advancement of Rs.10 lakhs by the plaintiff-appellant to the defendant-respondent was not duly proved. The affidavit Ex.P4, on which much stress has been laid by the plaintiff-appellant, bears a date of 10.07.2009 which seems to have been put by the Notary. The said affidavit is witnessed by one Ashok Kumar. The defendant-respondent appearing as DW1 denied his signatures on the affidavit Ex.P4. However, the plaintiff-appellant did not produce either the Notary or Ashok Kumar to depose about the defendant-respondent affixing his signatures on the affidavit Ex.P4. Thus, the rejection of the affidavit Ex.P4 by the First Appellate Court is completely justified. The bank certificates (Ex.P1 and Ex.P2) only prove that certain amounts were withdrawn from the bank accounts of the plaintiff-appellant, but these certificates do not prove that any amount was handed over to the defendant-respondent in cash by the plaintiff-appellant. Apart from the oral testimony of the plaintiff-appellant in this

regard, there is no other evidence on the record. Learned counsel for the plaintiff-appellant has not been able to point out to any reliable and cogent evidence to show that the plaintiff-appellant actually advanced Rs.10 lakhs to the defendant-respondent in cash. Infact, the plaint is totally silent even about the precise date when the money was allegedly advanced. In the absence of any relevant and reliable evidence, no fault can be found with the judgments and decrees passed by both the Courts.

9. 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 merits, is accordingly dismissed. Pending applications, if any, also stand disposed off.

27.11.2025
Ankur Goyal

(ALKA SARIN)
JUDGE

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