

2026:PHHC:0/42/4



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

RSA-1842-2023 (O&M)
Date of Decision: 11.05.2026

Nirmal Singh

...Appellant

Versus

Paramjit Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Ms. Amandeep Kaur, Advocate and
Mr. Narinder S. Lucky, Advocate, for the appellant.

VIKRAM AGGARWAL, J (Oral)

This is plaintiff's appeal against the judgment and decree dated 12.09.2022, passed by the Court of District Judge, Jalandhar, dismissing the appeal against the judgment and decree dated 22.07.2019 passed by the Court of Civil Judge (Junior Division), Jalandhar, vide which the suit filed by the plaintiff, was dismissed.

2. For the sake of convenience and clarity, parties shall be referred to as per their original status.

3. The plaintiff filed a suit for recovery of Rs.1,60,312/- on account of the balance outstanding against the purchase of fertilizers, pesticides and seeds by the defendant from the plaintiff.

3.1 It was claimed that the plaintiff was the Proprietor of M/s Navneet Fertilizers and was dealing in Fertilizer items, Pesticides and Seeds. It was averred that the defendant had been purchasing the aforesaid items from the plaintiff for a long time and as per the statement of accounts, an amount of Rs.1,34,933/- was due and outstanding against the defendant. Claiming interest of Rs.25,379/- i.e. @ 9% p.a. on the said amount, recovery of Rs.1,60,312/- was sought.

4. The defendant contested the suit by filing a written statement taking preliminary objections regarding maintainability, *locus-standi*, cause of action and the plaintiff having concealed material facts from the Court.

4.1 On merits, it was asserted that father of the defendant namely Ajit Singh purchased Fertilizers, Pesticides etc., from Laroya Multipurpose Cooperative Services Society and no such items had ever been purchased from the plaintiff on the credit basis or otherwise.

5. From the pleadings of the parties, the following issues were framed:-

1. **Whether the plaintiff is entitled for recovery of Rs.1,60,312/- alongwith interest as being prayed for? OPP**
2. **Whether the present suit is not maintainable? OPD**
3. **Whether the plaintiff has not come to the court with clean hands and has suppressed the true and material facts from the Court? OPD**
4. **Whether the plaintiff has no cause of action nor locus standi to file the present**

suit? OPD

- 5. Whether the plaintiff is estopped by his own act and conduct from filing the present suit? OPD**
- 6. Whether the present suit has not been drafted as per Order 7 Rule 1(J) CPC? OPD**
- 7. Whether the suit of the plaintiff is barred under the provisions of Order 41 Rule (H) CPC?OPD**
- 8. Whether this court has no jurisdiction to hear and decide the present suit? OPD**
- 9. Whether the suit is not properly valued for the purpose of court fee? OPD**
- 10. Relief.**

6. Parties led their respective evidence.

7. The trial Court, vide judgment and decree dated 22.07.2019, dismissed the suit filed by the plaintiff. The appeal against the said decision was also dismissed by the first Appellate Court vide judgment and decree dated 12.09.2022. Aggrieved by the same, the appellant-plaintiff has preferred the instant appeal.

8. I have heard learned counsel for the appellant.

9. Learned counsel appearing for the appellant argues that both Courts erroneously held that the ledger statement (Exhibit P.1) could not be linked to the defendant and that there were vague entries about the sale of articles. It is further argued that the entire details regarding the sale and purchase of the fertilizer items etc. by the defendant, had been recorded in Exhibit P.1 and the defendant had led no evidence to disprove

the same. Still further, once it was established on record that defendant-Paramjit Singh is also known by the name of `Nikku' and such name duly finds mention in document Exhibit P.1, the findings recorded by both Courts are not sustainable in the eyes of law.

10. I have considered the submissions made by learned counsel for the appellant, but find the same to be devoid of merit.

11. Both Courts returned a finding that the ledger Statement (Exhibit P.1), cannot be linked with the defendant, in any manner. The entries made therein were found to be vague and no evidence, documentary or oral, had been led by the plaintiff to prove that the defendant was also known by the name of `Nikku'.

12. In the considered opinion of this Court, the finding recorded by both Courts does not suffer from any illegality. While appearing as PW1, the plaintiff deposed that there was no document on the file to show that Rs.1,41,439/- was due towards the defendant. He further deposed that the name of the defendant was not mentioned in the record maintained by the plaintiff. It was further admitted by him that Exhibit P.1 did not bear the signatures of the defendant. PW2-Navdeep Singh, deposed in his examination-in-chief that he was working as a servant of the plaintiff. However, in his cross-examination, he deposed that he was working as an electrician. He also could not produce any proof to the effect that he was working as a servant of the plaintiff. Still further, the said witness could not depose

allegedly purchased the seeds, fertilizers etc., from the plaintiff. Similar was the testimony of PW3-Gurnam Singh as well. Further, as per the plaintiff, he was running the firm M/s Navneet Fertilizers and the respondent used to purchase goods from him. However, it was rightly found that there was nothing in Ex.P-1 to connect the same with M/s Navneet Fertilizers. There was no signature, thumb impression, stamp or seal on Ex.P-1. PW1 Nirmal Singh conceded that there was nothing to connect Ex.P-1 with M/s Navneet Fertilizers.

13. The relevant part of the judgment passed by the first Appellate Court reads as under:-

“12. I have given my thoughtful consideration to the rival contentions of both the sides. The case of the appellant-plaintiff is that respondent-defendant purchased fertilizers, pesticides, seeds etc. from the appellant and an amount of Rs.1,34,933/- is due towards the respondent as costs of the goods purchased by him. To succeed in the present suit, the appellant has to prove the sale of alleged goods to the respondent on credit basis and that the amount claimed by him is outstanding against the respondent. However, a perusal of the evidence on record reveals that the appellant has miserably failed to prove the aforesaid necessary ingredients. The appellant has not produced on record any bills to prove the sale of goods to the respondent. The only document produced on record by the appellant is Ex.P.1. But this document has not been proved as per law. This document, Ex.P.1, is a plain photostat copy and it does not bear any attestation or the signature of the person maintained the alleged ledger and made the alleged entries. PW-1 Nirmal Singh has

clearly admitted in his cross-examination that Ex.P.1 bears the writing of different persons. But he has neither disclosed the names of those persons nor examined them as a witness in this case. He further stated that generally the signature of the borrower are taken on the document when that person purchases articles on credit basis. But the document, Ex.P.1, does not bear the signature of respondent Paramjit Singh and this fact has been duly admitted by PW-1 Nirmal Singh in his cross-examination. PW-1 Nirmal Singh has further clearly stated in his cross-examination that document, Ex.P.1, was never checked and verified by any government official. There is absolutely nothing on record that firm of the appellant was ever subjected to any audit by any Chartered Accountant or the concerned GST/Sales Tax department or that entries made in document, Ex.P.1, have been verified by the concerned authorities. The appellant has also not produced on record any profit/loss statement of his firm to prove that the amount due towards the respondent is being shown by him towards losses of his firm.

13. Furthermore, as per case of the appellant, he is running the firm M/s Navneet Fertilizers and the respondent purchased the goods from the said firm. However, a perusal of the document, Ex.P.1, reveals that there is nothing on this document to connect the same with M/s Navneet Fertilizers. As discussed above, this document does not bear the signature of any body nor it bears the seal and stamp of M/s Navneet Fertilizers. PW-1 Nirmal Singh in his cross-examination has clearly stated that there is nothing in the record brought by him that said record pertains to M/s Navneet Fertilizers. Moreover, a perusal of this document, Ex.P.1, reveals that on the first page there is mention of carry forward of previous balance amounting to Rs.1,41,439/- but there is nothing on

record to prove the said previous balance. Then, the last entry on the first page is of Rs.1,93,613/- whereas on the second page the first entry showing carry forward previous balance is Rs.1,99,813/-, meaning thereby that this document, Ex.P.1, is incomplete. So, in the considered opinion of this Court, no relief can be granted to the appellant on the basis of the document, Ex.P.1, which is full of doubts and has also not been proved as per law.

14. So far as oral evidence led by the appellant is concerned, the same having not been supported by any documentary evidence, is of no help to the appellant to prove his claim. PW-2 Navdeep Singh and PW-3 Gurnam Singh in their respective affidavits, while supporting the claim of the appellant, have categorically stated that appellant is maintaining the statement of accounts and an amount of Rs.1,34,933/- is due towards the respondent. However, this version of both these witnesses has been belied by appellant Nirmal Singh himself. PW-1 Nirmal Singh has clearly stated in his cross-examination that Ex.P.1 is his personal record which is being maintained by him privately. Moreover, both these witnesses have clearly stated in their respective cross-examination that they cannot tell the date, month and year when the respondent purchased the seeds/fertilizers from the appellant for the first time or last time. Thus, the oral evidence led on record by the appellant is not sufficient to prove the claim of the appellant and the learned trial Court has rightly ignored the same.”

14. The concurrent findings of facts recorded by both Courts cannot be said to be suffering from any patent illegality warranting interference by this Court in the instant Regular

Second Appeal. It could not be pointed out that any evidence has been misread or not taken into consideration.

15. For the reasons aforementioned, I do not find any merit in the present appeal and the same is, accordingly, dismissed.

16. Pending application(s), if any, also stands disposed of.

(VIKRAM AGGARWAL)
JUDGE

11.05.2026
ds

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