

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****215****RSA-2399-1997 (O&M)****Reserved on : 04.07.2025****Pronounced on : 21.07.2025**

Friends Traders

....Appellant

VERSUS

Prem Kumar and Others

....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. C.L. Sharma, Advocate for the appellant.

Mr. Rajesh K. Dadwal, Advocate for respondent Nos.1 and 2.

**ALKA SARIN, J.**

1. Present appeal has been preferred by the plaintiff-appellant challenging the judgment and decree dated 05.11.1993 passed by the Trial Court partly decreeing the suit of the plaintiff-appellant and the judgement and decree dated 20.02.1997 passed by the First Appellate Court whereby the appeal filed by the plaintiff-appellant, has been dismissed.

2. The brief facts relevant to the present *lis* are that the plaintiff-appellant herein filed a suit for recovery against four defendants i.e. defendant No.1 being M/s R.K. Sood and Company, Excise Contractor L-2 and defendant No.2 Rajinder Kumar Sood being the partner thereof. Defendant Nos.3 and 4 i.e. Prem Kumar and Amarjit Singh were also impleaded as parties. The suit was for recovery of Rs.86,241.50 ps. The Trial Court vide judgment and decree dated 05.11.1993 partly decreed the suit for recovery of Rs.86,241.50 ps. against defendant Nos.1 and 2, who

have been impleaded as proforma respondent No.4 and 3 in the present appeal. Qua defendant Nos.3 and 4, who are impleaded as respondent Nos.1 and 2 herein, the suit was dismissed. Aggrieved by the same, an appeal was preferred by the plaintiff-appellant which appeal was dismissed by the First Appellate Court vide judgment and decree dated 20.02.1997. Hence, the present regular second appeal.

3. Learned counsel for the plaintiff-appellant would contend that respondent Nos.1 and 2 herein (defendant Nos.3 and 4) were also liable to pay the said amount as they had signed the bid sheets when they had bid for the L-2 licence. Learned counsel for the plaintiff-appellant would further contend that the signatures of respondent Nos.1 and 2 were there on the bid sheets, hence the suit ought to have been decreed *qua* them also.

4. *Per contra* learned counsel for respondent Nos.1 and 2 would contend that there is not an iota of evidence on the record to even remotely suggest that respondent Nos.1 and 2 herein were partners of the firm. It is further the contention that there is no transaction which was brought on the record under the signatures of respondent Nos.1 and 2 herein. Learned counsel for respondent Nos.1 and 2 has further pointed out that Jaswinder Singh, who stepped into the witness-box as PW2 and who was the Excise Inspector, in his cross-examination clearly stated that there was no record regarding sale and purchase by respondent Nos.1 and 2 with the plaintiff-appellant firm. PW3 Sunil Kumar, one of the witnesses produced by the plaintiff-appellant, though stated in his examination-in-chief regarding the bid statements, however, in the cross-examination he admitted that the bid statements were not signed in his presence.

5. Heard.

6. On a query by the Court as to whether the licence had the name of respondent Nos.1 and 2 or if the partnership deed had been placed on the record depicting respondent Nos.1 and 2 as partners of respondent No.4 herein, learned counsel for the plaintiff-appellant has candidly admitted that the partnership deed was not produced on the record nor is there any licence to show that the licence had also been issued in the name of respondent Nos.1 and 2. In the absence of any cogent and reliable evidence to even remotely suggest that respondent Nos.1 and 2 were partners of respondent No.4 herein, no fault can be found with the judgments and decrees passed by both the Courts.

7. In view of the above, I do not find any merit in the present appeal. 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.

21.07.2025  
jk

( ALKA SARIN )  
JUDGE

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