

2025:PHHC:061297



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-580-2019(O&M)

Date of Decision:07.05.2025

SANJEEV KUMAR JAIN

. . . .APPELLANT

Vs.

SHRI ATMA NAND JAIN SABHA PATTI AND OTHERS

. . . . RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vineet Sharma, Advocate, for the appellant.

DEEPAK GUPTA, J.

Suit for rendition of accounts and for consequential relief of mandatory injunction filed by plaintiff Sanjeev Kumar Jain (*Appellant herein*) against defendant Shri Atma Nand Jain Sabha Patti and others (*respondents herein*) was dismissed by the trial Court on 09.08.2017; and the appeal filed by the plaintiff was dismissed by the First Appellate Court on 21.09.2018.

2. Assailing the aforesaid concurrent findings, it is contended by learned counsel for the appellant-plaintiff that the Courts below failed to appreciate the evidence on record properly.

3.1 Perusal of the paper-book would reveal that claiming himself to be member of defendant No.1-Atma Nand Jain Sabha Patti [*hereinafter referred to as 'the Sabha'*], plaintiff prayed for relief of rendition of accounts for the year 2013-2014 of the said defendant No.1- Sabha with direction to its office bearers - defendants No.2 to 5 to deposit the amount of Sabha in the account of defendant No.1.

3.2. The claim of the plaintiff was resisted by the defendants.

3.3 Necessary issues were framed. Evidence produced by the parties was taken on record and then, the suit of the plaintiff and the appeal were dismissed.

4. It will be relevant to reproduce the observations made by the First Appellate Court, while dismissing the appeal of the appellant-plaintiff, which read as under: -

“13.....The plaintiff Sanjeev Kumar Jain is seeking rendition of account for the year 2013-14 regarding Shri Atma Nand Jain Sabha Patti with direction to defendant to deposit the amount in the bank Account of the Sabha on the ground that he was the member of Sabha and he was not called at the time election for the year 2014 and he was also not informed about the same but Sanjeev Kumar Jain plaintiff admitted during cross examination that he attended the election in the year 2014 and also signed Agenda on 20.04.2014 and he was present in the meeting and he attended the meeting on 09.04.2014, meaning thereby the plaintiff was present in the meeting which was held in 2014. further it is the contention of the defendant is that at the time of election every year the account was provided orally in open meeting and everything has been discussed at the time of election and this facts has been also admitted by PW2 Pardeep Kumar Jain during the cross examination that every year account was rendered and he was remained present and he admitted that accounts are discussed in each financial year and further PW10 Kamal Jain During cross examination has also admitted that the when account was rendered he was present and he further defendant also proved documentary evidence and placed on record Agenda of Shri Atma Nand Jain Sabha Patti Ex.D1 to D7 vide which it clearly shows that plaintiff Sanjeev Kumar was present in the meeting on 09.04.2014 and there is signature of plaintiff Sanjeev Kumar Jain on the said Agenda Ex.D2. Further the plaintiff did not invest any amount nor paid anything towards the Sabha. Further it is well settled law simple suit for rendition of accounts without seeking recovery of amount if any due from the defendant is not maintainable. In the present case the plaintiff filed only suit for rendition of account without claiming any amount and as such, the suit of the plaintiff without seeking recovery of due amount, held that the simple suit for rendition of account is not maintainable. The perusal the evidence produced by the

plaintiff it established on the file that plaintiff has failed to succeed and to prove on file his case. Whereas on the other hand, defendants have fully succeeded to prove on file their case So far as the case law cited by learned counsel for the appellant/plaintiff is concerned, a perusal of the same in conjunction of fact and circumstance of the case in hand shows that these authorities are not attracted to the present case as there have been rendered in connection with their peculiar situation arising in each individual case. Consequently, the findings delivered on all issues are found to be well reasoned, legal and speaking and as such, the same are hereby affirmed.”

5. Apart from the aforesaid observations, as made by the First Appellate Court, perusal of the plaint would reveal that in para No.5 thereof, plaintiff-appellant himself admits that at the time of the election of office bearers of Atma Nand Jain Sabha Patti, a meeting is called and all the details of expenditure and income of the Sabha are disclosed openly in the presence of the cabinet and all the members etc. It was further stated in this para that meeting for the year 2013-14 was called and details of the expenditure and income of the Atma Nand Jain Sabha Patti, District Taran Tarn was mentioned in the presence of cabinet and the members.

6. Thus, it is apparent from the own pleadings of the plaintiff that he himself admitted that details of the expenditure and income of defendant No.1-Sabha were mentioned in the presence of the cabinet and other members in the meeting called for the year 2013-14.

7. Not only above, as the observations of the First Appellate Court, based upon the evidence on record, would reveal that during his testimony, plaintiff-Sanjeev Kumar Jain himself admitted that he had attended the election meeting of the year 2014 and had signed the agenda. He was present in the meeting held on 09.04.2014. It was further admitted by his witness-PW2-Pardeep Kumar Jain that every year accounts are rendered and admitted about the discussion of the accounts of the each financial year. Said fact was further acknowledged by PW10 Kamal Jain, another witness examined by the plaintiff. Not only this, defendants placed on record documentary evidence in the form of

agenda of defendant No.1-Sabha as Exs. D1 to D7, indicating that plaintiff-Sanjeev Kumar Jain was present in the meeting on 09.04.2014 and had signed the agenda Ex.D2.

8. In the light of the aforesaid evidence as discussed by the First Appellate Court and the own pleadings of the plaintiff, it is apparent that there was no ground for rendition of accounts for the year 2013-14 of defendant No.1-Sabha as was sought by the plaintiff or for issuing any consequential relief for mandatory injunction to defendants No.2 to 5.

9. This Court does not find any ground to interfere in the concurrent findings of facts as recorded by the Courts below. There is neither any illegality nor perversity in appreciating the evidence on record. As such, holding the present appeal to be devoid of any merit, the same is hereby dismissed.

07.05.2025

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>