

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

206

2025:PHHC:027330



**RSA-90-2022 (O&M)
Date of decision: 25.02.2025**

JOGINDER SINGH

..Appellant

Versus

BHANGU TRADING COMPANY AND ANR

..Respondents

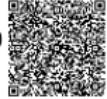
CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vishal Sharma, Advocate
for the appellant.

Mr. Satbir Rathore, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. The defendant assails the correctness of concurrent findings of fact arrived at by the Courts below while decreeing plaintiffs suit for recovery of Rs.2,00,916/- along with interest at the rate of 6% per annum from the date of filing of the suit till its realization. While filing the suit, the plaintiff-firm through its proprietor claims that the defendant was regularly transacting business with the plaintiff-firm and he was using plaintiff-firm's platform to sell his produce namely paddy and rice. He also used to borrow amount from time to time and now the defendant is not returning the amount. The defendant contested the suit on the ground that the suit has not been filed within the period of limitation and the record has been manipulated by the plaintiff-firm. Both the Courts have decreed the plaintiff's suit.
2. Learned counsel for the appellant has made the following two submissions:-



- i. The Accountant, who has prepared the account books has not been examined.
 - ii. The suit filed by the plaintiff was beyond the period of limitation as there is a reference to the last entry in the year 2013, whereas, the suit was filed on 19.05.2018.
3. This Court has considered the submissions of learned counsel for the parties.
4. It may be noted here that when the defendant appeared in evidence, he admitted his signatures appended against each and every entry entered at the time of borrowing the amount from the plaintiff-firm. As per the account books, the defendant borrowed some amount on 26.04.2016 from the plaintiff-firm. The suit was filed within the period of limitation because the last entry is of April, 2016. It may be noted here that examination of Accountant would have been necessary if the defendant had denied his signatures. Once, the defendant admits that he appended his signatures against each entry evidencing borrowing of the amount, failure to examine the accountant would not have any adverse impact on the plaintiff's case.
5. Hence, no ground to interfere is made out.
6. Dismissed accordingly.
7. All the pending miscellaneous applications, if any, are also disposed of.

February 25th, 2025

(ANIL KSHETARPAL)
JUDGE

By

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*