

**IN THE HIGH Court OF PUNJAB AND HARYANA AT CHANDIGARH****113****RSA-1277-2022 (O&M)****Date of decision: 06.03.2025****Jagdev Raj****...Appellant(s)****Vs.****Jatinder Handa****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. C.M.Munjhal, Advocate for the appellant.

*********NIDHI GUPTA, J.**

The defendant is in second appeal against the concurrent judgments and decrees of the learned Courts below, whereby the suit filed by the respondent/plaintiff for recovery of Rs.1,11,580/-, has been decreed by both the Courts below.

2. The parties shall hereinafter be referred to as per their status before the learned trial Court i.e. the appellant is the 'defendant'; and the respondent is the 'plaintiff'.

4. Learned counsel for the appellant/defendant contends that the bills produced by the respondent/plaintiff were forged and fabricated. Further, it was the categoric case of the defendant that none of the bills were signed by him. It is contended that even no material was taken by the defendant from the plaintiff. Yet, the defendant has been held liable for the payment of these amounts. It is reiterated that the plaintiff has created



forged bills to create false liability against the defendant. No finding has been given by the learned courts below regarding the genuineness of the said bills and documents produced by the plaintiff. Further, the learned Courts below have failed to take into consideration the fact that the plaintiff is a pesticide dealer and therefore cannot lend money to private persons in their account books as he is having no license for lending money. The plaintiff cannot advance cash amount. Thus, the appellant/defendant had been wrongly held liable to pay the said amount to the respondent/plaintiff.

4. No other argument is raised on behalf of the defendant.

5. I have heard learned counsel and perused the case file in detail.

6. I do not find any merit in the contentions of learned counsel for the defendant. The admitted facts on record are that the plaintiff is a pesticide dealer/ proprietor of M/s. Zimidara Agro Centre VPO Balluana. The defendant is a customer of the plaintiff who regularly purchased goods from the plaintiff on credit. The defendant had a current running and open account with the plaintiff firm for purchasing the pesticides, fertilizers, and seeds on credit. The plaintiff produced comprehensive documentary evidence in the form of General Power of Attorney (Ex.P1); financial statements Ex.P2 to P55; and bills Ex.P56 to P104; depicting the transactions details, including the dates, amounts and balance outstanding amount; and the account details of the defendant. A perusal thereof reveals that several bills contain the word UDHAR (credit) which proves that the said purchases were made by the defendant on credit and not on payment



of cash as wrongly claimed by him. The plaintiff thus, maintained regular and detailed account and business records, which were upheld on the basis of valid supporting evidence. The Plaintiff successfully proved the transaction and outstanding dues from bills, account statements of profit and loss; as also credit memos/bills (Ex.P56 to Ex.P104), all of which bear the signatures of the defendant Jagdev Raj in English, except for a few credit memos. On each such credit memo, the word UDHAR has been scribed in Hindi clearly indicating that the sale of pesticides depicted in the said memos was on credit basis and not on payment of cash. The argument of the defendant that he did not affix his signatures on the said memos/bills is incorrect as admittedly, no evidence was led by the defendant in this regard. In fact, the case of the defendant is demolished from the admitted fact that the defendant did not step into the witness box at all, or led any evidence whatsoever to dispute and counter the claims of the plaintiff. Needless to say that in such a situation, adverse inference is liable to be drawn against the defendant. Even no evidence was led by the defendant that the exhaustive bills produced by the plaintiff was forged and fabricated. The record reveals that numerous opportunities were given to the defendant to lead evidence. However, the defendant failed to do so. As such, the evidence of the defendant was eventually closed by order.

7. Learned counsel for the appellant/defendant is unable to dispute or controvert the above said facts and findings.



8. Accordingly, the present regular second appeal is **dismissed**.
9. Pending applications, if any, stand disposed of.

06.03.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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