



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

110

RSA-1197-2023 (O&M)
Date of Decision.:11.05.2026

Charan Singh @ Kala Punia and Another
Vs.

.....Appellants

Naresh Jain

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ravi Malik, Advocate and
Mr. Anil Chahal, Advocate
for the appellants.

DEEPAK GUPTA, J. (ORAL)

The present Regular Second Appeal has been preferred by the defendants-appellants assailing the judgments & decrees passed by both the Courts below, whereby the suit filed by the respondent-plaintiff for recovery of ₹5,00,000/- along with interest has been decreed concurrently.

2. Learned counsel appearing on behalf of the appellants has vehemently argued that both the Courts below have misread the evidence on record and have erroneously decreed the suit despite the fact that the cheque in question was a self cheque and no legally enforceable liability stood established against the appellants. It has further been contended that the plaintiff was not possessing any licence for money lending and, therefore, the alleged transaction itself was unenforceable. It is also argued that no documentary evidence was produced to establish advancement of loan to appellant No.1 and the findings recorded by the Courts below suffer from perversity.

3. I have heard learned counsel for the appellants and have gone



through the judgments and records with his assistance.

4. The plaintiff instituted a suit seeking recovery of ₹5,00,000/- along with interest by pleading that appellant No.1 requested for a friendly loan for execution of sale deed of a plot and appellant No.2 collected the amount on 10.12.2013 through self cheque No.180912 issued by the plaintiff. The said transaction was duly reflected in the bahi entry signed by appellant No.2.

5. The suit was contested. Trial court decreed the suit on 21.05.2018 after appreciation of oral as well as documentary evidence and the said findings have been affirmed in appeal by the learned First Appellate Court on 06.12.2022.

6. Both the Courts below have concurrently returned findings of fact that the amount of ₹5,00,000/- was received by appellant No.2 from the plaintiff and the same was never repaid. The said findings are based upon proper appreciation of evidence led by the parties. The plaintiff examined the bank official, himself and the accountant namely Nasib Saini, who specifically proved the issuance of cheque, its encashment and the corresponding bahi entry bearing signatures of appellant No.2. Most significantly, during cross-examination, appellant No.2 admitted receipt and encashment of the self cheque. Once such admission came on record, the burden shifted upon the defendants to establish their plea that the amount represented repayment allegedly due from plaintiff's son. However, except making bald assertions, no cogent evidence whatsoever was led by the defendants to substantiate such defence.

7. The contention regarding absence of money lending licence has rightly been rejected by both the Courts below. The transaction pleaded by the plaintiff was a singular friendly loan transaction and not a part of any regular business of money lending. No evidence was produced by the defendants to establish that the plaintiff was habitually engaged in



advancing loans so as to attract the rigours of the money lending laws. Mere advancement of a friendly loan cannot ipso facto render the claim unenforceable.

8. Equally devoid of merit is the argument regarding insufficiency of court fee. The suit was essentially for recovery of principal amount and the issue regarding future interest was within the discretion of the Court under Section 34 CPC. No prejudice whatsoever has been shown to have been caused to the defendants on that account.

9. It is well settled that jurisdiction under Section 100 of the Code of Civil Procedure is confined only to substantial questions of law. Concurrent findings of fact recorded by both the Courts below cannot be interfered with unless the same are shown to be perverse, based on misreading of evidence or suffering from patent illegality. Re-appreciation of evidence is impermissible in second appeal.

10. In the present case, learned counsel for the appellants has failed to point out any illegality, perversity or misreading of evidence in the judgments passed by the Courts below. The findings recorded are pure findings of fact based upon admissible evidence and do not give rise to any substantial question of law requiring interference by this Court.

11. Consequently, finding no merit in the present appeal, the same is hereby dismissed. The judgments and decrees passed by both the Courts below are affirmed.

12. Pending miscellaneous applications, if any, shall also stand disposed of

(DEEPAK GUPTA)
JUDGE

May 11, 2026

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No