

(2014) 05 MP CK 0012
In the Madhya Pradesh High Court
Case No : SA 1218/06

M/S Seetaram and Sons

APPELLANT

Vs

M.P. Financial Corporation

RESPONDENT

Date of Decision : 06-05-2014

Acts Referred:

Citation : (2014) 05 MP CK 0012

Hon'ble Judges : R.S. Jha, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.S. Jha, J.—Heard Shri A.K. Choubey, learned counsel for the appellants on the question of admission.

2. The appellants/plaintiffs have filed this appeal being aggrieved by the judgment and decree dated 5.5.2006 passed by the First Additional District Judge, Hoshangabad, in Regular Civil Appeal No. 2-A/2006 affirming and confirming the judgment and decree dated 29.11.2005 passed by the First Civil Judge Class-II, Hoshangabad in Civil Suit No. 100-A/04 whereby the suit filed by the plaintiffs/appellants to the effect that the respondents were entitled to recover only a sum of Rs. 26,000/- from the plaintiffs/appellants has been dismissed and the auction proceedings taken by the respondents for recovery of a sum of Rs. 1,41,000/- have not been interfered with.

3. It is submitted by the learned counsel for the appellants that both the courts below have not appreciated the evidence in their proper perspective and committed perversity in analyzing the documents Ex. P/2, Ex. P/7, Ex. P/9 and Ex. P/10. It is submitted that as per the aforesaid documents, the parties had agreed that appellants were required to pay only Rs. 31,639/-, out of which the appellants had deposited Rs. 15,000/- and the remaining amount of Rs. 26,173.86 alongwith interest as on 31.7.1981 was liable to be recovered from the appellants.

4. Having heard the learned counsel for the appellants it is observed that the courts below have extensively analyzed the aforesaid documents including the statements of the plaintiffs' witnesses P.W. 1 Devendra Prasad Malviya and others. The courts below on analyzing the aforesaid documents have held that the amounts mentioned in the said documents only related to the principal amount alongwith interest as on date of writing of the document and did not include subsequent liability towards interest that accrued and occurred. The courts below have taken into consideration Ex. D/1, Ex. D/6 and Ex. D/7 which clearly spelt out the liability of Rs. 1,41,000/- of the appellants towards principal amount alongwith interest. The courts below on the basis of the aforesaid uncontroverted document Ex. D/1 and the analysis of the documents of the appellants have dismissed the suit and the appeal filed by the appellants. The courts below have properly analyzed the oral and documentary evidence and not committed any perversity in appreciating the evidence.

5. In view of the aforesaid, I am of the considered view that no perversity or infirmity have been committed by the courts below giving rise to a substantial question of law. The aforesaid concurrent finding recorded by the Courts below is based on proper assimilation of oral and documentary evidence on record which does not warrant any interference by this Court as it does not suffer from any perversity.

6. In the circumstances, I do not find any substantial question of law arising for adjudication in the present appeal. The appeal being meritless is accordingly dismissed.