

Bhairo Singh Vs. Gulab

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Court : Madhya Pradesh

Decided On : Mar-20-2013

Appellant : Bhairo Singh

Respondent : Gulab

Advocate for Def. : Smt. Chourasiya

Judgement :

(1) Civil Revision No.788/2003 HIGH COURT OF MADHYA PRADESH, PRINCIPAL SEAT AT JABALPUR Single Bench : Hon'ble Shri Justice A.K. Shrivastava Civil Revision No.788 / 2003 Applicant : Bhairo Singh, S/o. Ganpat Singh Yaduvanshi, R/o. Village Chhidgaon Mouzi, Tehsil Nasrullahganj, District Sehore (M.P.) Vs. Respondent : Gulab, S/o. Ram Prasxad Sahu, R/o. Chhidgaon Mousi, Tehsil Nasrullahganj, District Sehore (M.P.)

Shri Sameer Seth, Advocate for applicant. Smt. Sarita Chourasiya, Advocate for respondent.

ORDER

(20/03/2013) This revision application under Section 115 CPC has been filed against the judgment and decree dated 31.03.2003 passed by learned Additional District Judge, Nasrullahganj District Sehore in Civil Appeal No.7-B/1999 whereby judgment and decree dated 06.10.1998 passed by learned Civil Judge, Class-II,

Nasrullahganj in Civil Suit No.9-B/1998 has been reversed and set aside and money decree to the (2) Civil Revision No.788/2003 tune of Rs.3,251/- has been passed.

2. The sole contention which has been raised by learned counsel for applicant is that by appreciating the evidence learned Trial Court found that defendant took the loan from the plaintiff and the amount is payable by the defendant to the plaintiff, hence decreed the suit, however, the same has been set aside by learned First Appellate Court without assigning cogent reasons.

3. On the other hand, Smt. Chourasiya, learned counsel for respondent has argued in support of the impugned judgment and submits that cogent reasons have been assigned by learned First Appellate Court in decreeing the suit and therefore no interference is required in this revision application.

4. Having heard learned counsel for the parties, I am of the view that this revision deserves to be dismissed.

5. The entire transaction which occurred between the parties is oral. There is no document in order to prove that defendant was bound to pay any particular amount to the plaintiff. True, the learned Trial Court has decreed the suit but learned Appellate Court after examining the evidence of witnesses vis--vis to each other and by paying heed to the pleading if has come to the conclusion that no money is payable to plaintiff, I am of the view that looking to the limited scope under Section 115 CPC no interference can be made even if the impugned order of learned First Appellate Court is erroneous. In this regard I may profitably place reliance on two decisions of Supreme Court in The Managing (3) Civil Revision No.788/2003 Director (MIG) Hindustan Aeronautics Ltd. Balanagar, Hyderabad and another v. Ajit Prasad Tarway, Manager (Purchase and Stores) Hindustan Aeronautics Ltd. Balanagar, Hyderabad AIR 197.SC 7.and The Municipal Corporation of Delhi v. Suresh Chandra Jaipuria and another AIR 197.SC 2621.

6. Accordingly, this revision fails and is hereby dismissed. (A.K. Shrivastava)
Judge 20.03.2013 SS