IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 4749 of 2015 (O&M)
Date of decision:- 20.08.2015

The Fatehabad Central Co-op Bank ...Petitioner

Versus

Bakhshish Singh ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. S.S. Sahu, Advocate for the petitioner.

RITU BAHRI J.

This petition under Article 227 of the Constitution of India is for setting aside order dated 10.06.2015 passed by Permanent Lok Adalat for Public Utility Service, Fatehabad whereby the application (P-1) filed by the petitioner u/s 22-C of the Legal Services Authority Act, 1987 for settlement of the loan account has been allowed.

The respondent raised a loan of Rs.2,50,000/- from the petitioner-Bank on 01.09.2007 and the officials of the petitioner-Bank obtained his signatures/thumb impression on many printed forms but later on told him that the interest on this loan was 16% per annum whereas he was told earlier that interest will be charged @ 6% per annum. On enquiry, the respondent came to know that a sum of Rs.5,80,704/- was standing due towards him including interest @16%

per annum. The respondent filed an application dated 01.04.2015 (P-1) for directing the petitioner-Bank to charge rate @6% per annum on the amount to settle the dispute. Before the Permanent Lok Adalat, the petitioner Bank stated that the respondent had mortgaged his agricultural land measuring 24 kanals 4 marlas situated at village Majra vide registered mortgage deed No. 2661 dated 05.09.2007 in the office of Sub Registrar, Fatehabad and it was further submitted that a sum of Rs.4,03,976/- was standing due up to 31.03.2012.

On persuasion made by the Permanent Lok Adalat for amicable settlement, the statement of the respondent and the Branch Manager of the petitioner-Bank was recorded and it was amicably decided that the respondent shall pay the amount of Rs.4,80,000/- on or before 22.06.2015.

Learned counsel for the petitioner has argued that no such statement has been made by Branch Manager of the petitioner-Bank to the effect that the respondent shall pay the amount of Rs.4,80,000/- on or before 22.06.2015.

This argument of learned counsel is liable to be rejected as it is not the case of the petitioner-Bank that they had not authorised Bhim Singh, Branch Manager to give the statement. If the Branch Manager had made the statement without authorisation, the Bank can take suitable action against the Branch Manager. Once the statement had been made by the Branch Manager that the respondent is liable to make the payment of Rs.4,80,000/-, the petitioner-Bank cannot say that the dispute was of Rs.5,80,704/- and the respondent has to pay that amount.

No case is made out for setting aside order dated 10.06.2015 passed by Permanent Lok Adalat for Public Utility Service, Fatehabad.

The revision is dismissed, being devoid of merit.

August 20, 2015 (***RITU BAHRI***)
G Arora ***JUDGE***