

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

**R.S.A. No. 1494 of 1989
Decided on: 04.02.2015.**

Punjab National Bank . . . Appellant

Versus

M/s Arya Plastics& Ors. . . Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: None for the appellant.

Mr. Alok Jain, Advocate
for respondents No.1 and 3.

Mr. K.K. Gupta, Advocate
for respondent No.4.

RAJ MOHAN SINGH, J. (Oral)

A suit for recovery was filed by Punjab National Bank against the respondents. Suit was decreed vide judgment and decree dated 06.10.1987, for a total sum of ₹74,983.64 paisa. However, in the concluding part of the judgment, trial court ordered payment of the decretal amount by way of installments in both loan transactions i.e. installment of ₹900/- per month in case of term loan and installment of ₹600/- per month in case of cash credit limit along with future interest at the rate of 13% per annum on term loan and 14% per annum on cash credit limit, respectively.

2. Feeling aggrieved against the judgment and decree of the trial court, appellant-bank preferred appeal before the District Judge, who dismissed the same vide judgment and decree dated 22.11.1988.

3. This is how the present appeal came to be filed in this Court. The appeal was admitted on 28.07.1989 and presence of Mr.L.M. Suri, Advocate was marked on behalf of learned counsel who filed the appeal.

4. In due course, when this appeal came up for consideration before this Court on 07.01.2015, necessary intimation was ordered to be sent to the office of Mr.L.M. Suri, Senior Advocate, about the date fixed i.e. 14.01.2015. According to office report, in compliance of order dated 07.01.2015, intimation was sent to the office of learned Senior Counsel, but none appeared on behalf of the appellant on 14.01.2015.

5. Since this suit itself was for recovery and even according to the relief clause given in the judgment and decree of the trial court, the loan amount would have been either exhausted or bank must have taken some coercive steps by mechanism of execution.

6. In view of the aforesaid, no purpose would be served by keeping the appeal pending in this Court. Accordingly, this appeal is dismissed for non-prosecution, however, with the liberty to the appellant to get the same revived in case some cause is found surviving therein.

7. Dismissed for non-prosecution with liberty as aforesaid.

[Raj Mohan Singh]
Judge

04.02.2015
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