

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHRSA No.403 of 2007(O&M)
Date of decision: 05.11.2015

Jogender and others

... Appellants

Versus

State Bank of India

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Harsh Kinra, Advocate for the appellants.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)CM-13941-C-2015

The present application has been filed for disposal of the appeal, in view of a compromise arrived at between the parties.

Learned counsel for the applicants/appellants submits that Ram Kishan, father of the applicants/appellants, had obtained a loan of ₹ 1,41,300/- from the State Bank of India i.e. the sole respondent in the appeal, on 20.01.1994, for purchase of a tractor. But, post death of the borrower (Ram Kishan), his heirs could not adhere to the repayment schedule. Resultantly, respondent filed a civil suit against the applicants/appellants, which was decreed in favour of the

respondent-bank on 10.03.2004. As an appeal preferred against the said decree failed and was dismissed vide judgment dated 01.08.2006, regular second appeal filed by the applicants/appellants is pending before this court, post admission.

Vide order dated 15.09.2008, this court stayed the recovery of interest beyond 6% on the decretal amount subject to deposit of the entire decretal amount along with 6% interest within the time granted. Consequently, applicants/appellants had deposited the requisite amount i.e. ₹ 3,45,919/- in the civil court at Rohtak, on 14.11.2008. However, pursuant to a compromise arrived at between the parties, applicant/appellant No.1, namely, Jogender had deposited an amount of ₹ 2,28,000/- with the respondent-bank and the matter stands fully settled and satisfied. Attention of the court is drawn to Annexure A5, appended with the application, which is a certificate issued by the respondent-bank that acknowledges this position. It is also recited therein that the bank shall have no objection, if the amount deposited by Jogender (applicant-appellant No.1) in court at Rohtak is refunded to him.

That being so, learned counsel for the applicants/appellants submits that the amount deposited by the applicants/appellants, which is lying with the court at Rohtak, be ordered to be refunded to them.

Accordingly, the application is disposed of. However, applicants/appellants shall be at liberty to move an appropriate application, appending therewith the letter/certificate dated 06.10.2015 (Annexure A5), issued by the respondent-bank, for refund of the amount deposited by them.

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Learned counsel for the appellants submits that in view of the above, the appeal has become infructuous and be dismissed as such.

Ordered, accordingly.

November 5, 2015
Rajan

(Arun Palli)
Judge