IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: AUGUST 18, 2015

Balwant Singh and another

.....Appellants

VERSUS

Punjab National Bank, Distt. Ferozepur and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

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

Present: Mr. O.P.Gabba, Advocate,
for the appellants.

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AUGUSTINE GEORGE MASIH, J. (ORAL)

This appeal has been filed by the appellant-plaintiffs, who have raised a loan from the respondent-defendant Bank and mortgaged their land as security. In the application for grant of loan, they had mentioned their ownership as 87 kanals and 7 marlas. On the basis of said assertion, the loan was advanced to them.

The Reserved Bank of India floated a Scheme known as Agricultural Debt Waiver and Debt Relief Scheme, 2008 (for short, "the 2008 Scheme"). As per the 2008 Scheme, the farmers were categorized in three categories i.e. 1. Marginal farmers i.e. farmers cultivating (as owner or tenant or share cropper) agricultural land upto 1 Hectae (2.5 acre); 2. Small farmers i.e. farmers cultivating (as owner or tenant or share cropper) agricultural land of more than 1 Hectare and upto 2 Hectares (5 acres) and

3. Other farmers i.e. farmers cultivating (as owner or tenant or share cropper) agricultural land of more than 2 Hectares (5 acres).

The appellant-plaintiffs asserted that they would fall under category 2 i.e. “small farmers”. In support of this contention, he placed reliance upon the jamabandi, Ex.P1, according to which they are owners of 27 kanals each and the third share holder of the property is their mother. He, therefore, contends that since the appellant-plaintiffs are only owners of land measuring 27 kanals each, they are entitled to the benefit of the 2008 Scheme.

This contention of counsel for the appellants cannot be accepted in the light of the fact that as per the 2008 Scheme floated by the Reserved Bank of India, a farmer is to be categorized on the basis of land holdings recorded in the loan documents on the date of sanction of the loan, irrespective of any subsequent changes in the ownership or possession thereof. In the application, which was submitted by the appellant-plaintiffs for loan Ex.D1, they had mentioned their land holdings as 87 kanals 07 marlas. Even if the said land is split into two shares, each of the appellant-plaintiff would be owner of 43-1/2 kanals and 3.5 marlas of land, which would have dis-entitled them to be categorized as “small farmers” as per the 2008 Scheme. They, on the basis of their land holdings, would, therefore, fall in category 3 i.e. “other farmers”, who are not entitled to the benefit of the 2008 Scheme.

The findings as recorded by the Courts below cannot be faulted with, especially when the condition of waiver as mentioned in the 2008 Scheme specifies the categorization to be done in a particular manner, which, if given effect to, does not entitle the appellant-plaintiffs to the benefit as has been claimed by them in the civil suit.

No law point, therefore, is involved in the present appeal.

In view the above, finding no merit in the appeal, the same stands dismissed.

August 18, 2015 **(AUGUSTINE GEORGE MASIH)**
khurmi **JUDGE**