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

RSA No.3694 of 2013 (O&M)
Date of decision: 14.09.2015

Rajinder Mohan ... Appellant

Vs.

Punjab and Sind Bank and another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. Munish Gupta, Advocate
for the appellant.

Mr. B.P.S.Dhaliwal, Advocate
for respondent No.1.

AMIT RAWAL J. (Oral)

Challenge in the present appeal is to the concurrent finding of fact and law, whereby, the suit for recovery of ₹ 7,99,968/- inclusive of interest up to 14.02.2009 along with pendente lite and future interest @ 14% per annum, has been decreed.

Mr. Munish Gupta, learned counsel appearing on behalf of the appellant-defendant submits, that interest awarded by the trial Court in respect of the agricultural land is on higher side and the trial Court ought to not have awarded the interest, as claimed.

Mr. B.P.S.Dhaliwal, learned counsel appearing on behalf

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High Court Chandigarh

of respondent No.1 submits that the interest was claimed, as per the terms and conditions of the mortgage deed, therefore, it cannot be reduced by the Courts below. He further submits that there is no illegality and perversity in the concurrent finding, much less, no substantial question of law arises for determination by this Court.

I have heard learned counsel for the parties and appraised the impugned judgments and decrees of the Courts below.

The terms and conditions of the mortgage deed containing the element of interest, is sacrosanct between the parties to the lis. It cannot be reduced, until and unless there is challenge that it is against the statute or public policy. Once the appellant had signed the aforementioned documents, the same cannot be challenged by taking a defence in the written statement.

I do not find any illegality, much less, perversity in the concurrent finding based on the appreciation of oral and documentary evidence. No substantial question of law arises for determination by this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

September 14, 2015
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