

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

RSA No.1265 of 2015 (O&M)

Date of decision : 28.09.2015

Kultar Singh

...Appellant

Versus

Punjab National 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. H.C. Arora, Advocate for the appellant.

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**AMIT RAWAL, J. (Oral)**

Challenge in the present appeal is to the concurrent findings of the fact, whereby suit for declaration filed in the year 2004 in respect of alleged cause of action occurred in 1984, has been dismissed on two counts, one on barred by law of limitation and second that appellant-plaintiff did not join Punjab National Bank as party/respondent, despite there being notice dated 21.11.1994.

Mr. H.C. Arora, learned counsel appearing on behalf of appellant-plaintiff submits that aforementioned letter was not received by his client. There is no evidence on record to show whether it was sent by registered post or any other mode. The claim of services benefit is recurring

cause of action, therefore, law of limitation would not apply, thus, there is illegality and perversity.

I have heard learned counsel for appellant-plaintiff.

The officer of the Bank in examination-in-chief candidly stated about the despatch of the letter dated 21.11.1994. There is no cross-examination at the behest with the aforementioned statement by the plaintiff. In the absence of the cross-examination, it is settled law that statements made in the examination-in-chief is deemed to be admitted. It is the case where plaintiff did not join the Punjab National Bank merged into New Bank of India and remained silent for almost 14 years. Even if no issues qua limitation is frame still Section 3 of the Limitation Act, specifically empowers the parties to the lis, much less, Court to raise the plea of limitation Act.

In my view with the aforementioned reasons, suit was prima facie barred by law of limitation.

In view of what has been noticed above, I do not find any illegality and perversity, much less, no substantial questions of law arises for adjudication of the present appeal.

Appeal is dismissed.

**28.09.2015**

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**(AMIT RAWAL)  
JUDGE**