

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.3201 of 2015 (O&M)
Date of Decision: July 13, 2015

Smt.Surinder Pal Kaur

...Appellant

Versus

State Bank of Patiala

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Gurmeet Gill, Advocate
 for the appellant.

INDERJIT SINGH, J.

Appellant-defendant No.1 Smt.Surinder Pal Kaur has filed this regular second appeal against respondent-plaintiff State Bank of Patiala and respondent Davinderpal Singh, challenging the impugned judgment and decree dated 12.11.2014 passed by learned Civil Judge (Junior Division) Chandigarh, vide which the suit filed by the plaintiff-respondent for recovery was decreed and also the judgment and decree dated 26.02.2015 passed by learned Addl. District Judge, Chandigarh, vide which the appeal filed by the appellant-defendant No.1 was dismissed.

The brief facts of the case are that plaintiff-respondent State Bank of Patiala filed a suit for recovery against Surinder Pal, Sh.Manveen Singh, Sh.Harmanpreet Singh and Sh.Davinderpal Singh. As per the case of the plaintiff, late Sh.Gurdev Singh approached the plaintiff-Bank for grant of personal loan of ₹99,000/-, which was granted to him. Defendant No.4-Davinderpal Singh stood

as guarantor. The defendants executed letter of arrangement, personal loan agreement, guarantee agreement, demand promissory note etc. The defendants failed to adhere to the financial discipline of the Bank. As a result, an amount of ₹2,54,295/- stood outstanding against the defendants on 01.01.2009. It is also the case that defendants signed Balance Confirmation Letter in favour of the plaintiff on 07.11.2004, 01.01.2006 and 01.01.2009.

Notice to defendants was issued and defendant No.1, filed written statement contesting the case. The other defendants did not appear to contest the case and they were proceeded against ex parte.

After framing the issues, on the basis of evidence, learned Civil Judge (Junior Division) Chandigarh, decreed the suit of the plaintiff-Bank for recovery of ₹2,54,285/- along with interest at the rate of 6% per annum from the date of filing of the suit till realization of the decretal amount and all the defendants were held liable jointly and severally to pay the amount. Aggrieved from the above-said judgment and decree, defendant No.1 filed appeal before learned District Judge, Chandigarh and learned Addl. District Judge, Chandigarh, by upholding the findings given by learned Civil Judge, Chandigarh, dismissed the appeal.

Aggrieved from the above-said judgments and decrees, present regular second appeal has been filed by the appellant-defendant No.1.

At the time of arguments, learned counsel for the appellant

has not challenged the finding regarding the execution of the documents and borrowing loan and grant of relief except that the appellant cannot be held liable personally and she can be held only liable to the extent of property inherited by her from Gurdev Singh deceased.

I have heard learned counsel for the appellant and have gone through the record.

I find that it is settled law that LR's of the loanee are only liable to the extent of the property inherited by them and they cannot be held personally liable. This argument has also been raised before learned Addl. District Judge, Chandigarh but has not been specifically dealt with. The Courts below have not given any specific finding that LR's of Gurdev Singh would be personally liable. Only in the relief clause, it is held that they are jointly and severally liable.

Therefore, from the above, I find that the material finding given by the Courts below are not challenged. The findings are concurrent, as per evidence and do not require any interference from this Court and the same are upheld. No substantial question of law arises in the present regular second appeal.

Therefore, finding no merit in the present regular second appeal, the same is dismissed.

However, it is made clear that the appellant would be liable only to the extent of the property, if any, inherited by her from Gurdev Singh, being LR of Gurdev Singh.

July 13 2015

Vgulati

**(INDERJIT SINGH)
JUDGE**