

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A. No. 3298 of 2015

Date of decision : October 08, 2015.

Parvesh Kumar

... Appellants

vs.

HDFC Bank Ltd. & Ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Singh, Advocate
for the appellant.

Surinder Gupta, J

Heard.

The plaintiff filed the suit seeking declaration that he is entitled to take the loan facility from HDFC Bank-defendant no.1 and the defendant no.3 i.e. Novelty Hyundai (Prop. Novelty Associates Pvt. Ltd.) were under the legal obligation to issue him sale letter of the car Hyundai Getz. He sought further relief of mandatory injunction to direct the defendant to sanction loan to him and issue him all the documents required for registration of the aforesaid car.

The suit was dismissed by Civil Judge (Junior Division), Rohtak with the observations that the plaintiff had failed to prove that he moved any application for loan with the bank. These findings were also affirmed by First Appellate Court.

Grant of loan is discretion of the financier/financial institution. The plaintiff failed to prove that any loan was approved to him, so as to give any direction to the bank to release the same. In the facts and circumstances, the suit and further appeal filed by the appellant is sheer misuse of the

process of the court.

No question of law what to talk of substantial question of law requiring determination arises in this appeal which has no merits.

Dismissed.

October 08, 2015

sachin/jv

(Surinder Gupta)
Judge