

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

110

Regular Second Appeal No.2853 of 2014 (O&M)

Date of Decision: September 28, 2015

Babu Singh

...Appellant

Versus

The Managing Director, Haryana State Agricultural Land Development
Bank, Sector-17, Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Jagram Singh Cooner, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment and decree passed by the Civil Judge (Junior Division), Ambala, dated 30.05.2012 dismissing the suit of the appellant-plaintiff for declaration and permanent injunction, which on challenge by him in appeal also stands dismissed by the District Judge, Ambala, on 26.03.2014.

2. It is the contention of learned counsel for the appellant-plaintiff that the appellant-plaintiff did not apply for the loan for purchase of electric motor. He contends that the mortgage deed could not have been executed qua the land in question as the same had already been mortgaged with the Central Bank of India, Ambala. He asserts that as a matter of fact, no electric motor was delivered to the appellant-plaintiff by the dealer, who was actually advanced the loan by the bank for purchase of the said electric motor. He, thus, contends that the judgments and decree passed by the Courts below cannot sustain and deserve to be set aside.

3. This contention raised by the counsel for the appellant-defendant cannot be accepted in the light of the fact that the appellant-

plaintiff denied everything which was put to him in the cross-examination and had even gone to the extent of denying his signatures on the plaint and the verification. The Courts have rightly come to the conclusion that the appellant-plaintiff had just for the sake of denial, denied at every place where his signatures were affixed. The mortgage deed is a registered mortgage and, therefore, it cannot be said that he had not applied for the loan, specially when the loan form indicates that it has been signed by him. The assertion of learned counsel for the appellant-plaintiff that the submersible electric motor was never delivered to him, also cannot be accepted in the light of the fact that the dealer has not been impleaded as a party-respondent.

4. Both the Courts below have returned concurrent findings in detail after properly appreciating the evidence and the same cannot be interfered with as there is no perversity or illegality in the same.

5. No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

6. In the light of the dismissal of the appeal itself, the application for stay i.e. CM No.6783-C of 2014, also stands disposed of as infructuous.

September 28, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE