

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 5822 of 2015(O&M)
Date of decision : November 27, 2015

UCO Bank

..... Appellant

Versus

M/s Monga Poultries

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:-

Mr. Arvind Kashyap, Advocate
for the appellant.

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

Amit Rawal, J (oral).

The appellant-defendant is in Regular Second Appeal against the judgment and decree of the lower appellate court whereby the suit for rendition of accounts has been decreed.

Learned counsel appearing on behalf of the appellant-Bank has raised the following arguments:

- i) The simpliciter suit for rendition of accounts was not maintainable.
- ii) It was not agricultural loan as it was extended for poultry shed.
- lii) The decree of the trial court has already been

satisfied inasmuch as, the Bank has already furnished statements of accounts and therefore, the appeal at the instance of the plaintiffs was not maintainable.

I have heard learned counsel for the appellant and appraised the paper book.

No doubt, the trial court on the basis of the evidence brought on record dismissed the suit and directed the Bank to furnish the statement of account as per the letter Ex. P-7 etc. However, the lower appellate court, being the last court of fact and law on examination of oral and documentary evidence found that letters vide which the Bank had requested changing of rate of interest did not bear signatures of the respondents-plaintiffs and found that it was unilateral act of the Bank in changing the rate of interest. This fact was admitted by PW-2 Parshant Kumar, Assistant Manager of the Bank that neither Ex. P-7 nor Ex. P-8 bore signatures and seal of the firm, thus, decreed the suit by calling upon the bank to furnish statement of accounts within a period of one month.

In view of above, I do not intend to differ with the finding rendered by the lower appellate court which is based on appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgment and decree of the appellate court.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

November 27 , 2015
archana