

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

RSA No.4858 of 2012
Date of decision : 07.11.2016

Punjab and Sind Bank

...Appellant

Versus

M/s Alka Enterprises and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Rakesh Chopra, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

The appellant-plaintiff-Bank is aggrieved of the concurrent findings of fact, whereby suit has been dismissed on account of limitation.

Mr. Rakesh Chopra, learned counsel appearing on behalf of appellant-plaintiff submits that due to inadvertence, document of some other case showing the entry of year 2000 whereas in fact it was 2002, thus, suit filed in the year 2005, was within the limitation. It is public money where account statement should not have been looked into.

He further submits that account was credited in the year 1990 and effected on 29.03.2002, thus, this fact has not been taken into consideration as suit was within limitation.

I have heard learned counsel for the appellant-plaintiff and appraised the paper book and of the view that in suit for recovery, either the

acknowledgment of the other side or the entry or date when the amount is stated to be due, has to be reckoned for the purpose of limitation. Though knowledge acquired from the entries of the year 1990 would not extend the period of limitation even if the bank had wrongly debited the balance of Rs.4,710.28 paise and rightly so, suit has been dismissed. Even application for additional evidence has rightly been dismissed much less no explanation has come that the bank despite “exercise of due diligence” could not place on record the documents.

I do not intend to differ with the findings rendered by the Courts below

Accordingly, present appeal is dismissed.

07.11.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No