

RSA-533-2012(O&M)

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IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

RSA-533-2012(O&M)

Date of decision : 15.02.2016

Rohit Madhok

... Appellant

Versus

Central Bank of India

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Ritu Pathak, Advocate
for the appellant.

REKHA MITTAL. J.

CM-1458-C-2012

Prayer in this application is to condone delay of 36 days in re-filing the appeal.

For reasons stated in the application and arguments advanced, the application is allowed and delay of 36 days in re-filing the appeal is condoned.

RSA-533-2012

The present appeal has been directed against the consistent findings recorded by the Courts below whereby the suit filed by the respondent-Central Bank of India for recovery of an amount of ₹75,985.09/- along with interest has been decreed by the trial Court and the judgment and decree passed by the trial Court has been affirmed in

appeal.

The sole submission made by counsel for the appellant is that as per allegations in the plaint, the respondent issued Central Card No.5414 4500 024928 to the appellant in the year 1992 but the statement of account Ex.P4 makes reference to card No.5414 4500 0249 2888, therefore, liability fastened upon the appellant by the trial Court and affirmed in appeal is liable to be set aside.

I have heard counsel for the appellant and perused the records.

The respondent Bank adduced evidence by examining B. R.Lutava, Senior Manager Central Bank of India PW1, Madan Mohan Mehta, Branch Manager PW2 and exhibited on record documents Ex.P1 to P10. The statement of account Ex.P4, on its first page details the particulars of the account holder and counsel for the appellant has not disputed that the particulars relate to appellant Rohit Madhok. The statement of account further shows that at one point of time, the account had become nil in November 1999 as has been pleaded by the defendant / appellant. The statement of account was exhibited in the statement of B. R. Lutava PW1. During cross-examination of B. R. Lutava, there is no challenge that the statement of account Ex.P4 does not pertain to the account of Central Card issued in the name of the appellant. On the contrary, it was put to the witness that on 04.11.1999, the balance in the account was nil and thereafter the account holder has closed the account

and did not use the central card. Under these circumstances, the mere fact that in the statement of account, the number of the card has been mentioned as 5414 4500 0249 2888 is not sufficient to hold that a substantial question of law arises in the circumstances.

No other point has been raised.

In view of what has been discussed hereinabove, finding no merit, the appeal is dismissed in limine. No order as to costs.

(REKHA MITTAL)
JUDGE

February 15, 2016.

Davinder Kumar