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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-3782-2013 [O&M]

Date of Decision : February 2nd, 2016

Kanshi [deceased] through LRs.

.... Appellants

Versus

Canara Bank

.. Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

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?

Present Mr. Sandeep Jasuja, Advocate,
for the appellants.

SHEKHER DHAWAN, J.

Present Regular Second Appeal is directed against the concurrent findings of both the Courts below, whereby suit for recovery of Rs.7,01,202/- on account of Principal amount alongwith interest, filed by plaintiff-Canara Bank was decreed by the Court of first Instance vide judgment and decree dated 13.03.2012. The appeal filed by Kanshi Ram [defendant] was dismissed by learned Additional District Judge, Ferozepur vide judgment and decree dated 13.09.2012.

2. For the sake of convenience, parties are being referred to as per their status before the Court of first Instance.

3. Learned counsel for the appellants submitted that both the Courts below have completely ignored the fact that the mortgage of the

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property was not proved and in fact, no loan was taken by the present appellant, rather, the money, if any, was paid to the agency, but the loan amount was never given to the appellant. The said findings be reversed.

4. Having considered the submissions made by learned counsel for the appellant, this Court is of the view that the plaintiff-bank had filed a suit for recovery on the basis of oral as well as documentary evidence. The defendant had taken the plea that no loan documents were executed by him nor any loan amount was ever paid to him and the property was not mortgaged. These facts and evidence in support of that has already been appreciated by both the Courts below. These pleas have already been negated by the Court of first instance and said findings of fact were affirmed by the Court of first Appeal. There is absolutely no substantial question of law involved in the present appeal and hence, the same is not maintainable under Section 100 of the Code of Civil Procedure. Such a view was taken by Hon'ble Supreme Court in case **Santosh Hazari Vs. Purushottam Tiwari (Dead) by LRs., JT 2001(2) SC 407.**

5. In view of the above, the present Regular Second Appeal stands dismissed *in limine*.

(SHEKHER DHAWAN)
JUDGE

February 2nd, 2016
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