

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

**RSA No. 2599 of 1995 (O&M)
Decided on: 22.08.2017**

Govind Singh and ors.

.....Appellants

versus

Punjab National Bank and Ors.

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sunil Panwar, Advocate
for the appellants.

None for respondent No.1.

respondents No.1 to 7 ex parte.

Rajbir Sehrawat, J.(Oral)

Learned counsel for the appellants submits that respondent No.8, who is reported to have expired; was only proforma respondent and the present appellants are not claiming any relief against him. Therefore, it is the submission of the learned counsel for the appellants that at this stage, her service may be dispensed with.

Ordered accordingly.

The only contesting respondent in this case is respondent No.1-Punjab National Bank. Nobody is present on behalf of respondent No.1 as well. In fact, even the respondent No.1 was proceeded ex parte vide order dated 06.02.1996.

A perusal of the file shows that respondent No.1-Punjab National Bank, although was the plaintiff and its suit was decreed by the trial Court, however, it is no more interested in the prosecution of the present appeal filed by the judgment-debtor. The judgment of the trial

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Court shows that it has decreed the suit of the Bank for recovery of Rs.75212/- along with interest @ 6% per annum from the date of institution of the suit till realization. It is further, ordered that payment of Rs.10,000/- shall be made on or before before 01.12.1990 and the remaining amount shall be paid in equal half yearly installment of Rs.15,000/- each.

The lower Appellate Court though upheld the decree of the trial Court to the extent of recovery of the amount, but it ordered that the amount be paid in lump sum and the interest chargeable shall be @ 12.05 % with half yearly rests.

The lack of interest shown by the Bank in prosecuting the present appeal in the right earnest shows that the money involved in the decree might have been recovered by the Bank from the present appellant, however, counsel for the appellants is unable to confirm this fact. Learned counsel for the appellant submits that he has no objection if the decree of the trial court is upheld and only the direction issued by the lower Appellate Court are reversed.

In view of the above situation, the judgement and decree passed by the trial Court are ordered to be upheld and the modification made thereto by the lower Appellate Court are hereby reversed.

The present appeal is allowed in the above said terms.

22nd August, 2017

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**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No