

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

RSA No. 6158 of 2016 (O&M)

Date of Decision:25.7.2017

Lehmber Singh

... Appellant

Versus

Kapurthala Primary Cooperative Agricultural Development Bank Ltd.

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.B.S.Bhalla, Advocate for the appellant

RAJIV NARAIN RAINA, J.

1. The appellant is a loan dodger who took a loan from the Kapurthala Primary Cooperative Agricultural Development Bank Ltd and filed a suit seeking waiver of the loan. No documentary evidence in support of claimed right of waiving off the loan was produced in evidence before the courts below which have dismissed the suit seeking permanent injunction restraining the defendant-Bank, its agents, employees etc. from forcibly recovering the loan. The appellant claims waiving off loan on the basis of the Government Policy of 2011. The Government Policy of 2011 is not produced or traced to the defendant-Bank as its liability not to recall of money from the plaintiff.

2. An application has been filed under Section 151 of the CPC for placing on record Annexures A-1 and A-2. Annexure A-2 at page 42 of the paper-book is a "NABARD Newsletter Vol.19, May, 2008 No.1-2" which are key-note address delivered at the All India Conclave of Registrars of Cooperative Societies in New Delhi which relate to a panel discussion on Agricultural Debt Waiver and Debt Relief Scheme, 2008.

Learned counsel points out to page 44 of the paper-book where debt relief is discussed in the Newsletter. This Newsletter be of no help to the appellant unless concrete back-up material is produced which establishes that the defendant/bank was under bounden duty to waive off the loan as a matter of policy. The NABARD Newsletter or its contents have no legal value to compel the Bank to waive off the loan and the same does not qualify as additional evidence if that is what the appellant intended to try and to introduce by an application under Section 151 of the CPC.

3. On the basis of such discussant material of which judicial notice can hardly be taken and the lack of legal evidence of proof of waiver adduced on record the appellant is not seen to justify grant of a decree in his favour and against the Bank. It is thus not possible for this Court to interfere with the findings of fact recorded by the courts below to help him dodge the loan. The judgments and decrees of the courts below do not not suffer from any illegality, irregularity or perversity nor the same can be said to be tainted with any error apparent on the face of record so as to require interference by this Court in an appellate decree. No question of law, much less a substantial one, arises for consideration in this appeal.

4. For the foregoing reasons, this appeal is held to be without substance and is dismissed. The applications for condonation of delay of 108 days in filing the appeal and 137 days in re-filing the same are also dismissed. Accompanying application is declined.

25.7.2017

MFK

Whether speaking/reasoned(RAJIV NARAIN RAINA)
JUDGE*Yes**No*