

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CM No.9611-12-C of 2017 in/and
RSA No.3858 of 2017 (O&M)
Date of Decision : 24.08.2017

Kulbhushan Jain

..... Appellant

Versus

Punjab National Bank, Rohtak

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. S.S. Dhaliwal, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

CM-9611-C-2017

For the reasons recorded, the application is allowed subject to all just exceptions. Exemption is allowed from filing true typed copies of the documents.

CM-9612-C-2017

This is an application for condoning the delay of 64 days in filing the appeal.

For the reasons recorded, the application is allowed subject to all just exceptions. Delay condoned.

RSA-3858-2017

This appeal has been filed against the concurrent judgments of

the Courts below dismissing the suit of the appellant against the respondent-bank.

The claim of the appellant was that one fixed deposit which created by the respondent-bank of Rs.10,000/- on 23.06.1981 was free from any lien and the respondent-bank could not adjust it towards pending loan. Both the Courts below found that in fact the appellant had himself signed the documents requesting the bank to utilize the amount in the fixed deposit towards payment of EMIs and consequently dismissed the suit.

Counsel for the appellant has not been able to show how the finding of the Courts below is vitiated in the face of the documentary evidence on record.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

August 24, 2017
ashish

(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No