

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

CRM-M-40552-2018 (O&M)

Date of Decision:03.10.2018

M/s Rhytham Plastic Industry and another

... Petitioners

Vs.

Indian Overseas Bank

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Gaurav Jain, Advocate
for the petitioners.

P.B. BAJANTHRI J. (Oral)

Pursuant to the order dated 20.09.2018, petitioner has filed an affidavit as Annexure P-9. Extract of the affidavit reads as under:

“3. That the deponent being the proprietor of M/s Rhytham Plastic Industries has drawn the cheque No.234735 dated 02.12.2015 in favour of M/s Rhytham Plastic Industries. The deponent has not drawn the above said cheque in favour of the any loan account belonging to the present petitioners. The body of the above said cheque is also very much clear that it has been drawn in favour of M/s Rhytham Plastic Industries, wherein, the drawer of the above said cheque is M/s Rhytham Plastic Industries, the payee of the cheque is also M/s Rhytham Plastic Industries and the drawee is Indian Overseas Bank.

4. That the cheque in question issued by the deponent no where shows that it has been issued either in favour of respondent bank or in favour of any loan account.”

2. Learned counsel for the petitioners has not disputed relating to borrowing loan from the respondent-Bank. There is a clear suppression of facts. Thus, petitioners have not approached this Court with clean hand.

3. Accordingly, petition stands dismissed.

03.10.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No