

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

RSA No. 3641 of 2013 (O&M)
Date of decision : January 25, 2018

Punjab and Sind Bank

..... Appellant

v.

Sunita

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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

Mr. Munish Gupta, Advocate
for respondents No.1, 3 to 5.

Ajay Tewari, J (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing the suit filed by the respondent.

The case of the respondent was that she and her father had a joint account in the bank where a balance amount of ₹ 6 lacs was there. On the date in question, when they went to withdraw some money they found that the amount had been withdrawn from their account. They initially moved before the Banking Ombudsman but ultimately filed the instant suit. Both the Courts below found that the cheque in question was from a cheque book issued to some other account and took notice of the admission of the witness of the appellant that a cheque issued to one account holder cannot be used by another account holder for withdrawing the money, and keeping in mind the other facts and circumstances came to the conclusion that the

respondent was entitled to recover the money.

Counsel for the appellant-bank has argued that in fact signatures on the disputed cheque were of Sukhdyal who had in collusion with the account holder of the other cheque made a scheme to defraud the bank. Both the Courts below, however, found that there was no evidence of this. Counsel for the appellant has not been able to point out any evidence which the bank may have led to reach to this conclusion. In this view of the matter, finding no merit in the appeal, the same is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

January 25, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No