

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

**RSA No.1873 of 2016 (O&M)
Date of Decision.17.05.2018**

Hanuman son of Ghisa Ram

...Appellant

Vs

The Mahendargarh District Primary Co-operative Agricultural and
Rural Development Bank Ltd. and another

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. J.P. Sharma, Advocate
for the appellant.

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AMIT RAWAL J.(ORAL)

C.M. No.4952-C of 2016

For the reasons stated in the application, delay of 45 days
in filing the appeal is condoned.

Application is allowed.

RSA No.1873 of 2016

The appellant-plaintiff is aggrieved of the dismissal of
the suit by both the Courts below seeking injunction against
defendants from auctioning the land measuring 35 kanals 4 marlas
and also to restrain recovery of amount of ₹5,59,957/-.

Mr. Sharma, learned counsel appearing on behalf of the
appellant submitted that the appellant had obtained loan from the
defendant by causing two mortgagees of land with regard to 11
kanals and then 19 kanals 6 marlas. The Government had come out
with a scheme called Agricultural Debt Waiver and Debt Relief
Scheme, 2008 whereby the loan obtained by the loanees having less

than 5 acres of land had been waived and therefore, cause of action accrued to claim the aforementioned relief.

I am afraid, the aforementioned argument is not sustainable as Clause (xii) of the Scheme as noticed by the Courts below did not envisage the waiver to the persons, who had taken loan for construction of house etc., for, it did not cover farm houses, storage facilities, sheds and house. Concededly, the plaintiff had taken loan for construction of house, rightly so, the Courts below declined to interfere.

In view of the aforementioned, the finding of fact arrived at by the Courts below, in my view, is correct inference of the evidence brought on record, much less, the scheme. No ground for interfere is made out. The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

May 17, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No