

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

RSA No. 2906 of 2016 (O&M)
Date of decision : December 14, 2018

Som Dutt Sharma

..... Appellant

v.

KK Nanda

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sanjay Jain, Advocate
for the appellant.

Mr. Vipin Sharma, Advocate
for Mr. SM Sharma, Advocate
for the respondent.

Ajay Tewari, J (Oral)

This appeal has been filed against the judgment of the lower appellate Court decreeing a suit filed by the respondent.

Brief facts are that the appellant and the respondent were both colleagues and the respondent had lent certain amount to the appellant and then filed a suit for recovery. The trial Court noticed that the respondent maintained a cash book in which he had given details of five or six persons to whom he had advanced loans at different rates of interest and came to the conclusion that the respondent was a money lender and thereby dismissed the suit. The lower appellate Court relied upon a decision of the Delhi High Court in Kampa Wati Devi v. Basant Rai, 4(1967) DLT 395, wherein

it was held as follows :-

“..... It was laid down there that a man does not become a money lender within the meaning of Section 2(9) of the aforesaid Act by reason of occasional loans to relations, friends or acquaintances, whether interest be charged or not.”

Counsel for the appellant has not been able to show how the aforesaid decision is not applicable to the facts of the instant case. Consequently, finding no merit this appeal is dismissed.

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

(AJAY TEWARI)
JUDGE

December 14, 2018
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Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No