

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

RSA No.4480 of 2016 (O&M)

Date of decision : 25.07.2018

Ashok Kumar Handa

...Appellant

Versus

Jugal Kishore

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Bhatia, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The defendant-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below while decreeing a suit for recovery of ₹2,73,055/- payable on account of negotiable instrument i.e. cheque which was dishonoured.

The defendant had pleaded that his blank signed cheque was stolen. It is not disputed that the defendant-appellant had not only signed cheque but also filled in the amount payable.

Both the Courts have found that the defendant has failed to prove the facts put forth by him in defence.

Learned counsel for the appellant has submitted that since the plaintiff has made a statement that it was a friendly loan and no interest was chargeable, hence, the Courts have erred in awarding the interest.

It is not in dispute that the amount of ₹2,73,055/- which was

payable on 25.09.2004 as per the cheque which has remained with the defendant-appellant on account of litigation. Once, the amount has wrongly remained with the defendant due to the pendency of the litigation, the plaintiff has to be compensated with some interest.

The trial Court has awarded 9% p.a. simple interest from the date of issuance of cheque till decree and thereafter 6% p.a. simple interest. The interest ordered to be paid is reasonable and do not require any interference by this Court.

In view of the above, the present Regular Second Appeal is dismissed.

25.07.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No