

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

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**RSA-6024-2016 (O&M)
Date of Decision : 01.08.2018**

M/s Seven Communications Appellant

Versus

Sh. Unnat Marwah Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Munish Gupta, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit for declaration and injunction filed by the appellant.

The admitted facts are that the appellant had started a business in Dehradun. The respondent's father was its landlord and the respondent was its Manager at Dehradun. The case of the appellant was that in that capacity the appellant used to sent him blank signed cheques in good faith for being used towards the expenses. The other cheques were used by the respondent's father towards expenses but he illegally retained the blank signed cheque in question and later on issued it in his own name and therefore a declaration was sought that the appellant was not liable to pay any amount under that cheque and sought rendition of accounts qua that cheque. The respondent filed a written statement accepting that the appellant had started a business in Dehradun where his

father was the landlord and he was the Manager. He, however, denied the assertion that the appellant had ever sent any blank signed cheque to him and further asserted that the cheque in question was issued for money which was owed to the respondent by the appellant in respect of which a complaint under Section 138 of the Negotiable Instruments Act was pending in Dehradun.

Counsel for the appellant has argued that as regards the declaration qua cheque in question, he would not press because he would have his defense in the complaint under Section 138 of the Negotiable Instruments Act but the courts below have wrongly dismissed the suit for rendition of accounts. In this connection, the courts below held that in view of the admitted long business relationship between the parties it was not open to the appellant to have sought the rendition of accounts only for one particular transaction and if the appellant wanted the rendition of accounts he should have filed a suit for entire rendition of accounts.

Counsel for the appellant has not been able to explain how the findings of the courts below are incorrect.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

August 01, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No