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

RSA No. 941 of 2016 (O&M)
Date of Decision: 12.09.2018

Ashwani Kumar

....Appellant

Vs

The Gurdaspur Central Cooperative Bank Limited

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Amandeep Singh Manaise, Advocate,
for the appellant.

RAJ MOHAN SINGH, J.(Oral)

Plaintiff sought grant of decree of mandatory injunction thereby directing the respondent-Bank to issue Clearance Certificate.

Admittedly, the plaintiff availed the benefit of loan for Rs.3 lacs after pledging his 10 Marlas plot in favour of respondent-Bank. The plot was sold by the plaintiff on 02.09.2009 and an amount of Rs.1,50,000/- was paid in the account of respondent-Bank.

According to the plaintiff-appellant, the account of the plaintiff was declared Non Performing Asset and settlement was done and the payment made by the plaintiff was towards full and final settlement of the dues of the Bank. On that premise,

issuance of Clearance Certificate was sought.

The suit was contested by the defendant-Bank on the premise that despite mortgaging 10 Marlas plot in favour of the respondent-Bank, while taking loan of Rs.3 lac, plaintiff sold the plot to somebody else on 02.09.2009 without permission of the Bank. A complaint was made by the Bank to the police. The Bank has also taken a stand that plaintiff is still defaulter of the Bank and the amount has accumulated to the tune of Rs.2,01,097/- as on date as per statement of account Ex.D4.

Plaintiff could not lead any evidence to show that after declaration of the account as Non Performing Asset, the same was settled by making lumpsum payment in favour of the Bank for full and final settlement of the claim of the Bank.

In the event of not leading any evidence in the aforesaid context, the entries made by the Bank in discharge of its official function cannot be doubted as the Bank record has not been rebutted by the plaintiff by means of any admissible evidence on record.

The findings of fact recorded by both the Courts below cannot be held to be on account of mis-reading of evidence or having suffered with any perversity.

No question of law is involved for consideration in the present appeal.

This regular second appeal is found to be totally devoid of merits and the same is accordingly, dismissed.

12.09.2018

Jyoti Yadav

**(RAJ MOHAN SINGH)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No