

RSA-2375-2017 (O&M)

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

RSA-2375-2017 (O&M)

Date of decision : 06.12.2018

Balwinder Singh and another

... Appellants

Versus

State Bank of Patiala and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.S. Bajaj, Advocate
for the appellant.

AMIT RAWAL, J.

The appellants-defendants are in the present regular second appeal against the concurrent findings of fact, whereby the suit of the Bank for recovery of ₹5,85,996/- along with interest @ 11.25% per annum with monthly rests from the date of decree till its realization, has been decreed by the trial Court and affirmed by the lower Appellate Court.

Learned counsel appearing on behalf of the appellants-defendants submitted that the defendants had never agreed for payment of interest and the Bank had obtained signatures on various blank papers, even the repayment of the monthly installment was also not reflected. Ex.P2 shows that respondent sanctioned the loan of ₹10,67,000/-, whereas Ex.P1 shows that the appellant had applied for the loan of ₹10,00,000/-. PW-2 in cross-examination stated that the defendants were sanctioned loan in three installments i.e. ₹3,00,000/- , ₹2,10,000/- and ₹2,80,000/- in the month of

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May, June and July 2005 respectively, therefore, total amount allegedly due was ₹7,90,000/- and not ₹10,00,000/- (an odd amount).

It is a matter of record that the Bank during the pendency of the proceedings before the Court below, had initiated the proceedings under Section 13 (2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002, as amended in 2004, and in lieu thereof, even sold the property and realize outstanding amount, but the amount is still outstanding.

I am afraid the aforementioned argument is not sustainable as the suit for recovery at the instance of the plaintiff/Bank is based upon the documentation. It cannot be believed that the appellants-defendants had appended signatures without reading the contents of the documents and signatures had not been controverted or belied through any mode i.e. Forensic Science Laboratory.

In this view of the matter, I do not find any illegality and perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination. No ground for interference is made out.

Resultantly, the present regular second appeal is dismissed.

06.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**