

RSA-2524-2017 (O&M)

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

RSA-2524-2017 (O&M)
Date of decision : 14.12.2018

Canara Bank

... Appellant

Versus

M/s R.K. Enterprises and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sushil Grover, Advocate
for the appellants.

AMIT RAWAL, J.

CM-6196-C-2017

For the reasons stated in the application, the delay of 192 days
in refiling the appeal is condoned.

CM stands disposed of.

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The short point involved in the present regular second appeal is
whether the judgment and decree of the trial Court modified viz-a-viz
grantor by holding the suit of the Bank being barred by law of limitation in
the absence of any acknowledgment of debt or extension, is maintainable or
not. The suit against the borrower and grantor was filed in the month of
September 2009.

Learned counsel for the appellant-plaintiff has raised the
argument that once the borrower had signed the acknowledgement, the

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liability would be of the grantor.

I am afraid the aforementioned argument is not sustainable as no explanation has come forth why the acknowledgment of grantor was not obtained, in case the period of limitation was going to expire.

No ground for interference is made out and the judgment and decree of the lower Appellate Court cannot be said to be suffered from any illegality and perversity. The present regular second appeal is dismissed.

14.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**