

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

RSA No.3398 of 2017 (O&M)

Date of Decision.04.12.2018

Gori Shankar Kalia

....Appellant

Vs

Vikas Joshi

...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Chetan Bansal, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The suit for recovery of ₹2,70,000/- in lieu of cheque issued by the defendant decreed by the trial Court, has been dismissed by the lower Appellate Court.

Mr. Chetan Bansal, learned counsel appearing on behalf of the appellant submitted that once the defendant admitted that he issued cheque to the plaintiff, the lower Appellate Court could not have dismissed the same.

I am afraid aforementioned argument of Mr. Bansal is not sustainable, as the plaintiff would have no cause of action because cheque in dispute was never presented to the bank. It is not discernible whether it was encashed or dishonoured, thus, there was no cause of action in favour of the plaintiff.

The appeal is also accompanied by application for condonation of delay of 67 days. The explanation lacks bona fide.

In view of the fact that the plaintiff did not have a cause

of action, the finding rendered by the lower Appellate Court being the last court of fact and law cannot be faulted with, much less, no substantial question of law arises for determination by this Court.

Resultantly, the second appeal is dismissed both on the ground of delay as well as on merit.

(AMIT RAWAL)
JUDGE

December 04, 2018

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No