

RSA-1561-1988 (O&M)

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

**RSA-1561-1988 (O&M)
Date of decision : 22.02.2019**

Harnek Singh

... Appellant

Versus

Punjab and Sind Bank and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. J.S. Bhatia, Advocate
for the appellant.

None for the respondents.

AMIT RAWAL, J. (ORAL)

The appellant-defendant is in the present regular second appeal against the concurrent findings of fact, whereby the suit of the plaintiff for recovery of ₹16,144.20 inclusive of interest upto 15.07.1984, has been decreed by the trial Court and affirmed in appeal.

The respondent-Bank had sought the recovery of the aforementioned amount on the premise that the appellant-defendant had taken the facility of loan and agreed to pay the same with interest @ 13-½ % per annum with half yearly rests and hypothecated the standing crop on the land measuring 18 acres, for which, the loan was raised for sowing the crop. The defendant failed to make the payment, therefore, the suit, aforementioned, was filed on 18.07.1984.

The defendant opposed the suit and denied all the material allegations.

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The plaintiff, in support of the pleadings, examined two witnesses, whereas the defendant failed to lead any evidence.

Mr. J.S. Bhatia, learned counsel appearing on behalf of the appellant-defendant submitted that the suit, aforementioned, was ex facie barred by law of limitation. The loan was for the purpose of fertilizer and the principal amount was ₹10,000/-. The Courts below ought to have ordered for recovery of principal amount and not the interest.

I am afraid the aforementioned argument is not sustainable in the eyes of law, for, the documents of the hypothecation were signed by the defendant with opened eyes, which contained the element of interest @13-1/2% per annum with half yearly rests. The defendant had not been able to belie the unimpeachable evidence of the plaintiff.

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.

22.02.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**