

RSA- 1935 of 2019 (O&M)
Date of Decision: 5.3.2020

Jasbir Singh

---Appellant

versus

Gurjant Singh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Hakam Singh, Advocate
for the appellant

Rekha Mittal, J.

Challenge in the present appeal has been directed against judgments and decrees passed by the courts whereby suit for recovery on the basis of pronote and receipt dated 14.9.2009 was decreed by the trial court and respondent-plaintiff was held entitle to principal amount of Rs. 1 lakh with interest @ 1.5% per month from the date of filing of suit till actual realization.

Counsel for the appellant raised a submission to assail grant of future interest @ 1.5% per month as against statutory provision i.e. Section 34 of the Code of Civil Procedure, noticed in order dated 22.10.2019. He prayed for time to produce copies of plaint and testimony of Gurjant Singh (respondent herein) for appreciation as to the purpose for which the loan was stated to be taken by the appellant-defendant. Thereafter, the case was adjourned several times but counsel has failed to produce documents till date.

A relevant extract from order dated 17.1.2020, reads as follows:-

“Arguing counsel for the appellant is not present. Last opportunity was allowed to make submissions on 22.11.2019.

On 22.10.2019, counsel for the appellant was directed to

produce certain documents but he has not complied with that order till date. This is surprising that counsel is staying away from the proceedings and has not bothered to cause appearance despite last opportunity granted for the purpose. Dismissal of appeal would cause loss to the appellant and not to the counsel. In the given circumstances, one more opportunity is allowed for making submissions subject to the condition that counsel for the appellant would comply with order dated 22.10.2019 in letter and spirit.

Adjourned to 5.3.2020.”

As the appellant has failed to comply with the orders of the court for producing the aforesaid documents, he has become disentitled to seek indulgence of this court for grant of relief as prayed for. This part, the appeal has been filed after delay of 405 days without any tangible explanation constituting sufficient ground for condonation of delay. Analyzed from any angle, I do not find any reason to interfere.

For the foregoing reasons, the appeal is dismissed.

(Rekha Mittal)
Judge

5.3.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No