

SA 80 of 2021
Sukumar Mallick
Vs.
Punjab National Bank

ar In spite of service of administrative notice upon the appellant, the appellant is not represented. The appellant was also not represented on the earlier occasion.

The appellate decree dated 28th February, 2005 affirming the judgment and decree passed by the trial court on 9th May, 1996 in a Money suit filed by the plaintiff for recovery of money from the defendant/appellant is the subject matter of challenge in this second appeal.

There is a clear finding by both the courts below on the basis of the cogent evidence that the respondent during his tenure as cashier of the appellant misappropriated Rs.25,400. The plaintiff established the case at the trial for the aforesaid misappropriation. It was proved that the transaction was contrary to the guideline of the Reserve Bank of India. The clerk cum cashier did not make entries of 13 customers who had made cash deposits. Discrepancies made in 13 accounts were supported by the evidence on record clearly established that the said amount of Rs.25,400/- was misappropriated by the respondent.

On such consideration, we do not find any reason to admit the second appeal.

The second appeal is, therefore, summarily dismissed under Order XLI Rule 11 of the Code of Civil Procedure.

There will be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)

