

RSA NO.162 OF 1997

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PUNJAB NATIONAL BANK NEW DELHI V/S GURBAKASH SINGH
& ORS.

Present: None.

* * * *

Mr. SML Arora, Advocate, who filed this appeal, has since died. Notice was sent to the appellant but none has put in appearance in response thereto. Ms. JS Sidhu, learned counsel for the respondents has also not put in appearance.

The only dispute in this appeal at the instance of the plaintiff-bank is that the Courts below have not granted *pendent lite* interest and future interest with half yearly rests @ 17% per annum and have in fact, awarded the lesser rate of interest and thereby the Bank has suffered a loss of Rs.40,000/-.

This matter apparently is not *res integra*.

This Court in a decision dated 11.04.2014 in RSA No.2117 of 997 titled State Bank of India Vs. M/s Hindustan Rolling and Wires (P) Limited and others has held that the discretion exercised by the Courts below cannot be said to be without jurisdiction and therefore, no useful purpose would be served by keeping this matter pending.

This appeal is, thus, ordered to be consigned to record. Liberty is, however, granted to get it revived by moving an appropriate application, if need be.

A copy of this order be sent to the appellant-bank at the address given in the memo of parties.

(G.C. GARG)
PRESIDENT

(H.C. MODI)
MEMBER

October 19, 2022

NainaRajput