

Item-4. 03-08-2023

sg Ct. 8

FAT 575 of 2001
CAN 1 of 2001 (old CAN 1673 of 2001)

Mir Sekendar Ali & Ors.
Versus
The State Bank of India

1. The parties are not represented nor any accommodation is prayed for on their behalf.
2. The appeal is pending since 2001. The appeal was appearing in the warning list of cases on and from 31st July, 2023 with a clear indication that the said matter shall be transferred to the main list on 3rd August, 2023 before this Bench. In spite of adequate notice, the appellant is not represented.
3. Although an application for condonation of delay has been filed but the Stamp Reporter has reported that the appeal is in time. Accordingly, the application for condonation of delay stands disposed of with the recording that the appeal is filed within time. CAN 1 of 2001 (old CAN 1673 of 2001) is disposed of.
4. The appeal is arising out of a judgment and decree dated 18th August, 2000. The State Bank of India is the appellant. They have filed a suit for recovery of an amount of Rs.4,08,993/-. The learned Trial Judge decreed the suit on contest. The learned Trial Judge relied upon the renewal letter of the bank and also the acknowledgment of the loan of the defendants as late as on 14th January, 1998. The appellant contended before the learned Trial Court that due to mechanical defects they could not operate tractor and they have prayed for exemption of the interest and granting instalment in payment of the

amount claimed by the plaintiff bank. The learned Trial Judge came to a finding that it is a commercial transaction and there is no scope to reduce the interest agreed upon by and between the parties. The appellant also could not show that the said tractor within one year of purchase had started malfunctioning. On such consideration, the suit was decreed.

5. In the appeal it is urged that it was an agricultural loan. In absence of any document being made available to this Court, we are not in a position to accept the said loan as an agricultural loan.
6. On the basis of the materials on record, we do not find any error in the judgment. The appeal stands dismissed. However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)