

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

114

CWP-13123-2023 (O&M).
Date of Decision: 03.08.2023.

CHHAJU RAM AND OTHERS

... Petitioners

Versus

SARV HARYANA GRAMIN BANK AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Sourabh Sheoran, Advocate,
for the petitioners.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present writ petition is to the order dated 11.02.2023 (Annexure P-1) passed by the Sub Divisional Officer (Civil), Narnaul, in a complaint under Section 8 (1) of Haryana Agriculture Credit Operation and Miscellaneous Provisions (Bank) Act, 1973.

It is borne out from the perusal of the order that the petitioners did not lead any evidence before the Sub Divisional Officer (Civil), exercising the powers under the Haryana Agriculture Credit Operation and Miscellaneous Provisions (Bank) Act, 1973. Consequently, the order was passed against them.

Learned counsel appearing for the petitioners contends that the above said order has been passed notwithstanding that the Manager had issued a No Objection Certificate as per which there was no loan of Rs.1,25,000/- related to the account of the petitioner. However, he also does not dispute the fact that the primary evidence to establish the claim that the above said amount was not disbursed could not be brought before the competent Authority.

Counsel is confronted with the following glaring shortcomings:-

- (i) The petitioner was duly represented before the SDM, however he chose not to lead any evidence.
- (ii) The certificate relied upon by the petitioner was denied by the Manager. No steps were taken to prove the same.
- (iii) The petitioner chose not to place on record his bank statement/pass book or account details to establish that amount was never credited to his account.
- (iv) No such details have even been attached with the present petition and
- (v) No reasons have been given as to why the primary evidence that was in possession of petitioner could not be led.

It is also fairly conceded that disputed questions of fact would arise which shall require leading of affirmative evidence to establish that the

above said amount had not been received to the credit of the account of the petitioners and had not been utilized by them.

Faced with above, and noticing that the disputed questions of fact arise for determination in the present, learned counsel for the petitioners seeks withdrawal of the present petition so as to take recourse to the alternative remedies available to them in accordance with law.

Disposed of as withdrawn with liberties as aforesaid.

August 03, 2023
raj arora

(VINOD S. BHARDWAJ
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No