



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.3078 of 1994 (O&M)

Date of Order:17.05.2024

Punjab State and others

.Appellants

Versus

Jugraj Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kanav Singla, AAG, Punjab

Mr. Sandeep K. Sharma, Advocate
for Mr. Rajan Bansal, Advocate
for the respondents.

ANIL KSHETARPAL, J

1. In this regular second appeal, the defendants (State of Punjab) assail the concurrent findings of fact arrived at by the courts below while decreeing the plaintiffs' suit for grant of decree of permanent injunction restraining the defendants from recovering Rs.72,500/-.

2. A notice demanding Rs.72,500/- was issued by the State on 22.06.1985, to the plaintiffs which was challenged in the Civil Court. As per the notice, the plaintiffs are alleged to have taken a loan of Rs.22,000/- in March, 1972, for Dairy Farm business. The plaintiffs claimed that they never borrowed any amount.

3. Upon appreciation of the evidence, both the courts decreed the suit while recording the following findings:-

(1) The State of Punjab failed to prove that the plaintiffs ever took any loan.

(2) The notice sent in the year 1985 is beyond the prescribed



time because the loan was taken in the year 1972 and during the period of 13 years there was no demand nor any acknowledgment or balance consideration.

4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

5. The learned counsel representing the appellants contends that the loan documents were produced in evidence, however, the court has wrongly overlooked the same. He further submits that the jurisdiction of the Civil Court is barred.

6. This court has considered the submissions of the learned counsel representing the parties.

7. The appellants have examined DW1-Sh. Shanti Sarup, Block Level Extension Officer, who has admitted that the documents were not executed in his presence. The defendants had denied execution of the documents. In these circumstances, the Government was required to lead some evidence to prove that the loan application was signed by the plaintiffs. In any case, there is no explanation for sending notice after a period of 13 years. Furthermore, the learned counsel representing the appellants-State has failed to draw the attention of the court to any misreading or non-reading of material evidence.

8. As regards the argument of the learned counsel representing the State with regard to jurisdiction of the Civil Court, it may be noted that the alleged loan, if any, was never borrowed under the provisions of the Punjab Land Revenue Act, 1967. Moreover, this objection has never been taken before the courts below.



- 9. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.
- 10. Dismissed.
- 11. All the pending miscellaneous applications, if any, are also disposed of.

May 17, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO