

Rasal Singh **...Appellant**

Surjit Singh **...Respondent**

Present: Mr. Nakul Sharma, Advocate
for the appellant.

ANIL KSHETARPAL, J. (Oral)

1. This second appeal against the order has been filed by the defendant to assail the correctness of the First Appellate Court's order remanding the case back to the trial Court for recording findings on each of the issue on merits.

2. The First Appellate Court has found that the plaintiff's suit for recovery of Rs.7,57,500/- alongwith interest was dismissed by the trial Court after recording a finding on issue No.3, with regard to maintainability of the suit. The First Appellate Court has found that such approach of the trial Court was erroneous and not desirable. Once the entire trial was held and the parties led their evidence, the Court was required to record findings on each of the issue which was settled by the Court upon appreciation of the pleadings.

3. The learned counsel representing the appellant submits that the First Appellate Court has erred in remanding the case back to the trial Court

because the suit itself was not found maintainable. He submits that in absence of money lender license, the plaintiff’s suit for recovery was not maintainable.

4. This Court has considered the submissions.
5. It has been found by the First Appellate Court that the defendant relies upon certain complaints filed by the plaintiff. The aforesaid complaints were never confronted to the plaintiff. Moreover, it was not appropriate for the trial Court to dismiss the suit while making observations upon issue No. 3 without recording any finding on the remaining substantive issues including the entitlement of the plaintiff to recover the amount alongwith interest. Issue No.3 was only with regard to maintainability of the suit. The appellant claims that in absence of money lender license, the suit for recovery is not maintainable.
6. Let the trial Court comprehensively decide the suit while recording findings upon all the issues.
7. Keeping in view the aforesaid facts, no ground to interfere is made out.
8. Dismissed.
9. All the pending miscellaneous applications, if any, are also disposed of.

20.05.2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No