



132 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2253-2025 (O&M)

Date of decision : 08.07.2025

Dharampal Singh

...Appellant

Vs.

Gurpal Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jagjit Singh Gill, Advocate
for the appellant.

ANIL KSHETARPAL, J. (Oral)

1. The defendant assails the correctness of concurrent findings of fact arrived at by the Courts below while decreeing the plaintiff's suit for recovery of Rs.3,32,000/- alongwith *pendente lite* and future interest upon principal amount of Rs.2,00,000/- @ 8% per annum from 16.04.2018 till the date of realization. The suit was filed on the basis of pronote and receipt signed by the defendant.

2. Upon appreciation of evidence, both the Courts below held that execution of the pronote and receipt is proved. In fact, the defendant while contesting the suit claimed that his signatures were taken on blank papers, however, he failed to prove the same.

3. Learned counsel representing the appellant has made the following two submissions:-

1. In view of Section 34 of the Code of Civil Procedure, 1908, the Court could not grant future interest at a



rate more than 6%.

2. The plaintiff does not possess license for money lending, hence, he could not file the suit.

4. This Court has considered the submission made by the learned counsel representing the appellant.

5. On a careful reading of first proviso to Section 34 of the Code of Civil Procedure, 1908, it is evident that when the sum so adjudged arises out of a commercial transaction then the future interest may exceed 6% per annum.

6. The appellant has not led any evidence to prove that the transaction was not a commercial transaction. In fact, he never took this objection before the Courts below.

7. With regard to second submission of learned counsel representing the appellant, it would be noticed that there is no evidence to the effect that the plaintiff is in the business of money lending. In absence thereof, the suit has correctly been decreed.

8. Keeping in view the aforesaid facts, no ground to interfere is made out.

9. Hence, the appeal is dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

08.07.2025
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(ANIL KSHETARPAL)
JUDGE

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