



In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 1427 of 2013 (O&M)

Date of Decision: 05.02.2025

The Delhi State Cooperative Bank Limited and Another

... Appellant(s)

Versus

The Punjab State Cooperative Bank Limited and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Madan Pal, Mr. Mohinder Singh, Mr. Abhinav
and Mr. Sanjeev Sheoran, Advocates, for the appellant(s).

Mr. Naginder Singh Vashisht, Advocate
for respondent No.1.

Mr. Rajesh Narang, Advocate
for respondent No.2.

Anil Kshetarpal, J.

1. The Regular Second Appeal in the States of Punjab, Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in *Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157*.

2. The defendants assail the correctness of the concurrent findings of facts arrived at by both the Courts below while decreeing the plaintiff's suit for recovery of ₹60,000/- along with interest @ 10% per annum.

3. In substance, Smt. Nalini Seth presented a cheque drawn on Punjab National Bank, Jangpura Branch, New Delhi, in the Punjab State Cooperative Bank Limited for collection. As per the internal arrangement,

the Punjab State Cooperative Bank Limited forwarded the cheque to the Delhi State Cooperative Bank Limited for collection from the Punjab National Bank. Despite repeated reminders from the Punjab State Cooperative Bank Limited, no response was received from the Delhi State Cooperative Bank Limited. Ultimately, Smt. Nalini Seth filed a complaint with the District Consumer Disputes Redressal Forum at Chandigarh, which was allowed and the Punjab State Cooperative Bank Limited had to pay the amount of the cheque. Thus, the suit was filed. The defendants, while contesting the suit, claimed that they did not receive a cheque for collection.

4. Both the Courts below, on appreciation of evidence, found that the cheque was delivered to the Delhi State Cooperative Bank Limited, however, it was misplaced by the said bank. Thus, the suit was decreed, which, in appeal, was affirmed by the First Appellate Court.

5. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

6. On a court question, the learned counsel representing the appellants admits that as per the decree, the payment has been made and the decree stood satisfied. However, he submits that on verification from the Punjab National Bank, it transpired that M/s Okhla Agro Industry had no account with the Punjab National Bank, Jangpura Branch, New Delhi. He further submits that even if the cheque was sent to the Punjab National Bank, the same would have been dishonoured.

7. This Court has considered the submissions of the learned counsel representing the parties.

8. If the defendants have taken a prompt action by forwarding a

cheque to the Punjab National Bank and sent a communication to the Punjab State Cooperative Bank Limited, the matter would have been different. However, the Delhi Cooperative Bank Limited had misplaced the cheque which resulted in order of recovery against the Punjab State Cooperative Bank Limited.

9. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent findings of facts arrived at by both the Courts below. Hence, the present appeal is dismissed.

10. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

February 05, 2025
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No