IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-992-2014 (O&M)

HARI SINGH

..Appellant

Versus

HARYANA STATE AGRICULTURE MKT BOARD

..Respondent

Reserved on: 07.04.2026
Pronounced on : 20.04.2026
Uploaded on : 21.04.2026

Whether only the operative part of the judgment is pronounced? *NO*
Whether full judgment is pronounced? *YES*

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Divyam Singh, Advocate
Mr. Yuvraj Garg, Advocate
for Mr. Vikram Singh, Advocate
for the appellant.

Mr. Padamkant Dwivedi, Advocate
Ms. Ayushi, Advocate
for respondent.

* * * * *

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 05.10.2013 passed by learned District Judge, Panchkula, whereby, appeal filed by the respondent against judgment and decree dated 29.09.2009 passed by learned Additional Civil Judge (Senior Division), Panchkula, was allowed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that respondent filed civil suit for recovery of Rs.83,465/- along with incidental charges etc. on the ground that when appellant was posted as

S.D.O. in its office at Karnal, he applied for car loan on 17.09.1991. A sum of Rs.90,000/- was sanctioned in his favour on 01.12.1991. As per terms and conditions of the loan, the loan was to be repaid in 100 monthly installments along with 9% interest per annum. It was repayable in monthly installments of Rs.900/- which was then increased to Rs.1200/- till the payment of the loan along with interest. On 01.08.1983, appellant applied for house building advance of Rs.1,00,000/- out of which a sum of Rs.77,280/- was sanctioned in his favour on 19.12.1983. In lieu of said loan, appellant mortgaged his house on 28.11.1983. It was clearly mentioned in the sanctioned letter that loan amount would be recovered in 150 installments along with interest.

3. On 30.06.1998, appellant retired as XEN from the office of respondent and all his pensionary benefits were released. The civil suit was filed on the ground that after computation of account of car loan and house building advance of appellant, a sum of Rs.51,224/- as interest towards house building loan and a sum of Rs.32,241/- on account of interest of car loan was outstanding. The civil suit filed by the respondent was dismissed vide judgment and decree dated 29.09.2009 passed by learned Additional Civil Judge (Senior Division), Panchkula. The respondent filed appeal against the same, which was allowed vide judgment and decree dated 05.10.2013 passed by learned District Judge, Panchkula. Hence the present appeal.

<u>SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-</u>

4. Learned counsel for the appellant contends that learned First Appellate Court failed to appreciate the reply filed by the appellant and the evidence on record while allowing the appeal filed by the respondent.

5. He further contends that at the time of retirement of the appellant, the appellant had paid all the dues and after obtaining 'No Dues Certificate' from the respondent, his pensionary benefits were calculated and released. He, therefore contends that once 'NOC' was granted by respondent-department, then after 11 years of his retirement i.e. on 30.06.1998 and after the release of all pensionary benefits, suit for recovery could not be filed. And learned District Judge, Panchkula did not appreciate the facts on record. He, therefore, prays that the present appeal be allowed.

6. Per contra, learned counsel for respondent contends that judgment and decree dated 05.10.2013 passed by learned District Judge, Panchkula is well-reasoned and learned District Judge, Panchkula has appreciated the whole evidence on record and thereafter, allowed the appeal filed by the respondent. He, therefore, prays that the present appeal be dismissed.

7. I have heard learned counsel for the parties and have perused the whole record of the case with their able assistance.

8. On 31.08.2015, this Court while admitting present regular second appeal passed the following order:-

> *"Admit.*
> *The second appeal is admitted on the following substantial questions of law:-*
> ***1. Whether the production of 'No Due Certificate' by the defendant was not a proof of discharge of a loan admittedly availed by him?***
> ***2. Whether the lower appellate court has not erred in granting a decree treating a conditional offer of discharge of loan if it was proved to subsisting as constituting an admission of a subsisting liability to***

> ***allow for a decree which was otherwise barred by limitation?***
>
> *Interim stay of recovery on the condition that the appellant pays the suit cost and also deposits 25% of the amount claimed by the plaintiff. On such a deposit, the plaintiff is entitled to withdraw the same without any security. The effect of receipt will abide by final direction at the time of disposal of appeal or by any modification of the order during the pendency of the appeal"*

9. Now, to decide the above referred to substantial question of law, it would be relevant to peruse the whole record of this case.

10. A perusal of the record shows that admittedly appellant retired on 30.06.1998 and all his pensionary benefits were released in his favor. During the course of his service, he obtained two loans which he repaid and at the time of his retirement, 'No Dues Certificate' was issued to him and that is how his pensionary benefits were also released. The civil suit filed for recovery of Rs.83,465/- was filed after his retirement. There is nothing on record to show that 'No Dues Certificate' was never issued to him by competent authority or was wrongly issued or was obtained by appellant by fraud or misrepresentation, which fact is totally ignored by learned District Judge, Panchkula while allowing the appeal filed by the respondent. Once 'No Dues Certificate' was issued to the appellant for grant of pensionary benefits after 11 years, the civil suit for recovery of the amount for which 'No Dues Certificate' is already granted, could not be filed.

<u>Decision</u>

11. In view of the above, both the substantial question of law framed by this Court vide order dated 31.08.2015 are answered in favour of

the appellant and against the respondent. Accordingly, judgment and decree dated 05.10.2013, passed by learned District Judge, Panchkula, is set aside. And civil suit for recovery of Rs.83,465/- filed by the respondent is dismissed.

12. Accordingly, the present appeal is ***allowed***. Parties are left to bear their own costs.

13. Decree sheet be drawn.

14. Vide order dated 31.08.2015, recovery was stayed on the condition that appellant pays the suit cost and also deposit 25% of the amount claimed by the respondents. The appellant has shown this court a receipt of payment of Rs.28,640/- paid on 16.10.2015 as per the directions of this Court vide order dated 31.08.2015.

15. Since the appeal is allowed, respondent is directed to refund the amount of Rs.28,640/- paid by the appellant along with interest at the rate of 9% per annum from the date of its deposit, that is 16.10.2015 till its payment.

16. The said exercise should be completed within a period of two months. The respondent is directed to deposit the amount of Rs.28,640/- along with interest at the rate of 9% per annum in the account of the appellant. The appellant is directed to furnish his bank account details to the respondent.

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

20.04.2026 **(SUDEEPTI SHARMA)**
JUDGE

Ayub/Saahil

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