

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 664 of 1980

For Approval and Signature:

HON'BLE MR.JUSTICE M.C.PATEL

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

ARVINDKUMAR C DHRUVA

Versus

DENA BANK

Appearance:

1. First Appeal No. 664 of 1980
MR JR NANAVATI for Petitioner No. 1
MR SURESH M SHAH for Respondent No. 1
NOTICE SERVED for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE M.C.PATEL

Date of decision: 31/03/2004

ORAL JUDGEMENT

This appeal is by the original defendant no. 2
in a suit filed by Dena Bank - respondent no. 1 against

respondent no. 2 who was the principal debtor and the appellant who was alleged to have stood as a guarantor for the over draft facility granted to respondent no. 2 against the hypothecation of goods.

The appellant in his evidence at the trial admitted his signature on the document but he said that he had signed the document as a witness and had not given any guarantee. The ld. trial judge, however, did not believe his evidence on this point and passed a decree for Rs. 5,515/- with running interest at the rate of 12.5% P.A. after giving credit for Rs. 17561.46 ps. which were realized from the sale of the principal debtor's goods, made by the Commissioner who was appointed for the said purpose during the pendency of the trial. Ld. counsel for the appellant has taken me through the judgment and evidence on record, but there is nothing to show that the finding recorded against the appellant is in any way erroneous. There is no warrant for interfering with the decree passed by the trial court. The appeal is, therefore, dismissed. No order as to costs.

(M.C. PATEL, J.)

mandora/