

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7765 of 2015

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Amritesh Kumar Roy

.... Petitioner/s

Versus

The Union of India & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Singh

For the Respondent/s : Mr. Mahesh Prasad

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 27-11-2015 1. Heard the learned counsel, Mr. N. K. Singh, for the petitioner and the learned counsel, Mr. Abhimanu Vats, on behalf of the respondent.

2. This application under Article 227 of the Constitution of India has been filed by the petitioner against the order dated 7.4.2015 passed by the learned Addl. District Judge, Chapra in Execution Case No.2 of 2008.

3. The learned counsel for the petitioner submitted that in fact in the arbitration proceedings, 18 per cent statutory interest was granted by the arbitrator which was confirmed by the High Court as well as by the Supreme Court. Thereafter, the petitioner filed execution case but by the impugned order, the Court below has reduced the interest from 18 per cent to 6 per cent by committing error apparent on the face of the record. The learned

counsel appearing on behalf of the respondent submitted that in the order, there is nothing to show that the respondent ever prayed to reduce the rate of interest.

4. In view of the above submissions of the parties, if in fact it is a mistake apparent on the face of the record, the petitioner is granted liberty to file application for necessary correction in the rate of interest granted by the executing Court in view of the fact that the executing Court cannot go behind the decree. If, in fact, it is a mistake then the Court below shall correct the same and proceed ahead expeditiously.

5. Accordingly, this writ application is disposed of with the aforesaid direction.

(Mungeshwar Sahoo, J)

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