

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 3932 of 2015 (O&M)
Date of decision: 6.7.2015

Haryana State Minhor Irrigation & Tubewell Corporation Limited
.. Petitioner

v.
Krishan Kumar

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Pritam Saini, Advocate for the petitioner.

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Rajesh Bindal J.

The judgment-debtor has filed the present petition impugning the order dated 21.2.2015 dismissing the objections filed by it, order dated 19.3.2015 allowing interest @ 12% per annum and order dated 28.4.2015 requiring the judgment-debtor to furnish list of properties as well as head of the salary for attachment for execution of the decree.

Though learned counsel for the petitioner sought to argue that the trial court, while decreeing the suit, had not granted interest, however, the same is borne out from the judgment and decree dated 23.1.2003, where in paragraph 13 thereof, it is provided that the plaintiff shall also be entitled to interest @ 12% per annum simple interest from the date of filing of the suit till realisation of the amount. The salary has already been paid. The only dispute is pertaining to the interest on delayed payment of salary.

Learned counsel for the petitioner further submitted that the judgment and decree dated 23.1.2003 was challenged by the petitioner before the learned District Judge, which was dismissed in default on 9.11.2005. Application for restoration was filed, which was also dismissed on 3.5.2007. The order was challenged by filing Civil Revision No. 5323 of

2007 in this court, which was dismissed on 21.7.2008. However, Petition for Special Leave to Appeal (Civil) No(s). 194/2009 against the aforesaid order is pending before Hon'ble the Supreme Court, but there is no interim stay. Referring to the aforesaid facts, it was submitted that to secure the interest of the petitioner, the decree-holder be directed to furnish surety so that interest of the petitioner is saved in case the judgment and decree under execution is set aside in appeal.

After hearing learned counsel for the petitioner, I find merit in the contentions raised by learned counsel for the petitioner. Hence, while disposing of the present petition, it is directed that while disbursing the amount of interest, the decree holder be asked to furnish surety to the satisfaction of the executing court. In case the respondent is aggrieved, he shall be at liberty to file application before this court for recalling of the order.

(Rajesh Bindal)
Judge

6.7.2015
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