ARCHANA ARORA
2015.12.09 17:22
I attest to the accuracy and
authenticity of this document

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 7108 of 2014(O&M)
Date of decision : December 2, 2015

National Insurance Co.Ltd.

.... Petitioner

Versus

Kamla Devi and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. R. C. Gupta, Advocate
for the petitioner.

Mr. Arun Gupta, Advocate
for the respondents.

***

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

<u>Amit Rawal, J (oral).</u>

The Insurance Company is aggrieved against the impugned order dated 27.8.2014 which reads thus:-

> *"Heard. Learned counsel for the decree-holders placed reliance upon the judgment in the case of* ***<u>Gurpreet Singh Vs. Union of India 2008 (2) RCR (Civil) SC 207</u>*** *wherein it was held that if there is any shortfall at any stage, the claimant or decree-holder can seek to apply the rule of appropriation in respect of that amount, first towards interest and costs and then towards the principal, unless the*

decree otherwise directs.

> “*Here is an attempt at the hands of the decree-holders to charge the compound interest as argued by learned counsel for the judgment-debtor company. The calculation sheet furnished by the company is also incorrect because in the first instance the cost and interest would be adjusted in terms of the law laid down in the authority(supra). Let judgment-debtor Company to make the payment in terms of this order on 18.9.2014.”*

Learned counsel for the petitioner submits that calculation submitted by the parties to the *lis* had not been accepted by the MACT and Insurance Company has been called upon to make up the short fall. In support of his contentions he has relied upon the judgment of Hon'ble Supreme Court in **Gurpreet Singh Vs. Union of India 2008 (2) RCR (Civil) 207.**

Mr. Arun Gupta, learned counsel for the respondents submits that there is no illegality and perversity in the impugned order. The revision petition does not warrant any interference.

I have heard learned counsel for the parties and appraised the paper book.

The apprehension of the Insurance Company that the impugned order tantamounts calling upon the Insurance Company to pay interest on interest which, in my view, is totally fallacious and ill-founded for the reason that once the Insurance Company has already deposited the amount as per the letter and spirit of the decree in terms of the judgment of Hon'ble Supreme Court in **Gurpreet Singh's case (supra).,** the decree holder shall appropriate the amount first towards interest and thereafter for the principal. Accordingly, the Insurance Company is directed to deposit the short fall strictly as per the judgment of Hon'ble Supreme Court in **Gurpreet Singh's case (supra).**

I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits. Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

December 2, 2015
archana