

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA No.5175 of 2012 (O&M)

Date of decision: 26.11.2015

Ranvir

... Appellant

Vs.

M/s Suraj Bhan and sons

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. P.S. Jammu, Advocate
for the appellant.

Mr. Sandeep Punchi, Advocate
for the respondents.

AMIT RAWAL, J. (ORAL)

Appellant-defendant is in Regular Second Appeal against the concurrent findings of facts and law, whereby the suit for recovery of Rs.1,00,000/- has been partly decreed.

Mr. Jammu, learned counsel appearing on behalf of the appellant submits that in a cross-appeal filed by respondent-plaintiff, plaintiff has been held entitled to recover the amount along with interest @ 9% from the date of borrowing till its realization. He further submits that since the plaintiff has failed to prove the commercial transaction, thereafter interest should not exceed 6 %.

Mr. Punchi, learned counsel appearing on behalf of the respondents submits that in case this Court finds that interest of 9% is higher then he would be confining his claim to 8% only.

Keeping in view the aforementioned, I do not intend to differ with

the findings rendered by both the Courts below based upon the appreciation of oral and documentary evidence however the judgment and decree of the lower appellate Court is modified and rate of interest is reduced from 9% to 8% from the date of advancement till its realization.

According, appeal is partly allowed.

[AMIT RAWAL]
JUDGE

26.11.2015
vishnu