

In the High Court of Punjab and Haryana, Chandigarh

RSA-3508-2014(O&M)
Decided on:23.01.2015

Jangir Chand and anotherAppellant(s)

vs.

Mandir SinghRespondent(s)

CORAM HON'BLE MR. JUSTICE AMIT RAWAL

Present Mr.PKS Phoolka, Advocate for appellant(s).

AMIT RAWAL, J (ORAL)

CM-8107-C-2014

For the reasons stated in the application, which is supported by an affidavit, delay of 3 days in re-filing the appeal is condoned.

CM stands disposed of.

CM-8108-C-2014

CM is for permission to make the deficiency in court fee good.

CM is allowed, subject to all just exceptions.

Deficiency in Court fee has been made good.

RSA-3508-2014

The appellant-plaintiff in the present appeal is against the judgment and decree on a limited question as to whether both the Courts below committed illegality and perversity in granting the interest @ 9%

p.a instead of 2% p.m i.e 24% p.a.

Learned counsel appearing on behalf of appellant-plaintiff has submitted that the trial Court by observing that the plaintiff was able to prove that the respondent/defendant had agreed to pay interest @ 2% p.a while receiving a sum of Rs.1,50,000/- committed illegality in not awarding claimed interest.

The aforementioned argument of the learned counsel for the appellant/plaintiff is devoid of any merit. Though it was a money transaction indicating that the appellant/plaintiff would be entitled to pay 24% p.a interest, but in fact it was only a mortgage of agricultural property and both the Courts below rightly exercised the jurisdiction of ordering the recovery of Rs.1,50,000/- as principle amount alongwith the interest of 9% p.a from the date of execution of the mortgage deed dated 02.09.2005 till filing of the suit and 6% p.a from the date of filing of the suit till actual realization. The finding rendered by both the Courts below are based on appreciation of oral and documentary evidence. There is no illegality or much less perversity. No substantial question of law arises for consideration.

Accordingly, the appeal is dismissed.

23.01.2015
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(AMIT RAWAL)
JUDGE