

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***SECOND APPEAL NO. 730 OF 2015
ALONG WITH
CIVIL APPLICATION NO. 1558 OF 2015***

Shri Tejkumar Bhandari,
R/o flat No.10, 1095, Sadashiv Peth,
Bajirao Road, Pune 411 030.

... Appellant/applicant

v/s

Paranjape Schemes (Construction)
Pvt. Ltd., Office at 49/2, Shri Krishnakunj,
112/2, Anand Colony, Off.Ketkar Road,
Erandwane, Pune – 411 004.

... Respondent

Mr.Prashant Raut i/by Sanjeev Kadam for the appellant/applicant.

Mr.P.B. Kulkarni for the respondent.

Coram: N.M. Jamdar, J.

Dated: 29 April 2016

P.C.:

The appeal is listed on board for dismissal.

2 The Appellant had instituted a suit bearing No.1413 of 1998 for recovery of an amount of Rs.3,74,259/- from the Respondent. The suit was decreed and the Respondents were directed to pay an amount of Rs.2,90,206/- with 12% interest per annum. The Respondents filed an appeal bearing No.867 of 2012 and the Appellant filed cross-objection.

The appeal was dismissed . The cross-objection was partly allowed and the interest was enhanced to 18%. Thereafter the Respondent, original Defendant, has not filed any appeal and this is an appeal by the original Plaintiff seeking enhancement of interest to 21 % from 18%. This request was made before the learned District Judge who has held that there was no agreement between the parties as regard the interest and considering this position and the prevailing rate of interest charged by the nationalized banks, the learned District Judge granted 18%. The difference between 21 % and 18% on Rs.2,90,206/- is the subject matter of this appeal. In absence of any contract, the learned Judge has used his discretion for grant of 18% interest, which is more than adequate in the facts and circumstances of the case.

3 No substantial question of law arises.

4 The second appeal is accordingly dismissed along with the civil application.

(N. M. JAMDAR, J.)