

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No.34 of 2017**

Managing Director Bhilai Steel Plant P.O. Bhilai, Bhilai, District Durg,
Chhattisgarh(Respondent No. 2 Before Honble Court)

---- **Petitioner****Versus**

1. Ajay Kumar (Died) Through Lrs. Smt. Kusum Smt. Kusum W/o Late Shri
Ajay Kumar, Aged About 44 Years, R/o L.I.G.-2, 30/7, 8, Jawahar Nagar,
Supela, Bhilai, District Durg, Chhattisgarh(Appellant No.1 Before
Honble Court)

2. Kumari Anchal D/o Late Shri Ajay Kumar, Aged About 12 Years Minor
Through Natural Guardian Smt. Kusum (Mother) R/o L.I.G.-2, 30/7, 8,
Jawahar Nagar, Supela, Bhilai, District Durg, Chhattisgarh
(Appellant No.2 Before Honble Court)

3. Kumari Ritu D/o Late Shri Ajay Kumar, Aged About 12 Years Minor Through
Natural Guardian Smt. Kusum (Mother) R/o L.I.G.-2, 30/7, 8, Jawahar Nagar,
Supela, Bhilai, District Durg, Chhattisgarh(Appellant No.3 Before
Honble Court)

4. Smt. Saraswati Devi W/o Late Shri Ajay Kumar, Aged About 32 Years R/o
19-B, K L C, Khursipar, Zone-2, P.O. Bhilai, Bhilai, District Durg,
Chhattisgarh(Respondent No.1 Before Honble Court)

-----**Respondents**

For Petitioner: Shri Kasif Shakeel, Advocate.
For Respondents No. 1 to 3: Shri Amrito Das, Advocate.

Hon'ble The Chief Justice**Hon'ble Shri Justice Sanjay Agrawal****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****28/4/2017**

1. This application seeking review of judgment is filed by the Bhilai Steel
Plant which was the employer of Shri Ajay Kumar (since deceased).

2. Matrimonial dispute and legitimacy issues arose in the family of the
deceased. That led to matrimonial case before the Family Court. Ultimately,
those litigants were before this Court through F.A (M) No.43/2007. Bhilai
Steel Plant was impleaded as a Respondent in those matters since it was the

employer of Late Ajay Kumar and amounts were admittedly due from that establishment to the estate of that deceased employee.

3. Deliberating on different aspects of law and the facts of the case, the Bench through the judgment sought to be reviewed decided the *lis* between the parties to the litigation in so far as the family matters are concerned. Through paragraph-14 of the judgment sought to be reviewed, a direction was issued to the Bhilai Steel Plant to disburse the accruals due to the estate of Late Ajay Kumar in the ratio mentioned in that paragraph. It was also directed through that judgment dated 01.12.2016 that the amounts will be paid with interest at the rate of 9% per annum. The application for review is confined to the imposition of interest. It appears that Bhilai Steel Plant filed the review on the assumption that it has to pay interest from some date much earlier than the litigation. The fact of the matter remains that the judgment only directs payment of interest at the rate fixed. It does not contain any direction as to the date from which the interest has to be paid. Obviously, therefore, going by the fundamental legal principles governing the field of grant of interest, the liability of Bhilai Steel Plant to pay interest at the rate ordered in paragraph-14 of the judgment sought to be reviewed would run only from 01.12.2016, the date of that judgment. It is so clarified.

5. With the clarification as above, the instant Review Petition is disposed of.

Sd/-
(Thottathil B. Radhakrishnan)

CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)

JUDGE