

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 254 of 2016**

V. Kameshwara Rao, S/o V. Rama Murthy, aged about 55 years, resident of Quarter No.B/401, Sai Parisar, Srikant Verma Marg, Tahsil & District -Bilaspur, Office address Secretary to Chief General Manager (Safety & Rescue) SECL Headquarters, Sipat Road, Bilaspur, Tahsil & District – Bilaspur (C.G.)...Decree Holder

---- Petitioner**Versus**

Murarilal Gupta, aged about 52 years, son of late Shri Durga Prasad Gupta, R/o Opp. SBI, ATM, Sadar Bazar, Opp. SBI, ATM, Sadar Bazar, Opp. CIMS, Bilaspur, Tahsil & District – Bilaspur (C.G.) Judgment Debtor

---- Respondent

For Petitioner:	Mr. Himanshu Sinha, Advocate.
For Respondent:	Mr. Malay Shrivastava, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****17/04/2017**

(1) The trial Court has passed the judgment & decree on 19.11.2009 in favour of respondent/plaintiff granting Rs.3,26,000/- along with interest @ 6% per annum from the date of filing of the suit i.e. 23.01.2008, against which, present defendant/petitioner preferred appeal before this Court.

(2) This Court, vide order dated 23rd December, 2014, disposed of/dissmised the appeal preferred by the defendant subject to following directions:-

“(I) Respondent is entitled for the decreetal amount of Rs.3,26,000/-, which appellant has deposited before the trial Court.

(II) Respondent is entitled to withdraw the decreetal amount of Rs.3,26,000/-.

(3) But the appellate Court/this Court has not set aside the order directing 6% interest on the decretal amount.

(4) Learned counsel for the petitioner submits that award of interest @ 6% per annum has been set aside by the appellate Court/this Court.

(5) Per contra, learned counsel for the respondent submits that award of interest has not been set aside.

(6) I have heard learned counsel appearing for the parties and perused the order impugned with utmost circumspection.

(7) During pendency of first appeal, Division Bench of this Court has passed the order dated 11.5.2011 directing the principal amount of Rs.3,26,000/- be deposited in the Nationalized Bank and that amount has been deposited by the petitioner/defendant in the State Bank of India.

(8) Now, by the impugned order dated 8.2.2016, the trial Court has directed the interest accrued be disbursed to the respondent/plaintiff, in which, I do not find illegality in the order impugned warranting interference by this Court under Article 227 of the Constitution of India as the said finding is in accordance with law.

(9) Accordingly, the writ petition fails and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-