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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RFA 30/2017 & CM 922/2017**

A K TIWARI

..... Appellant

Through : Mr. Y.R. Sharma, Advocate with
appellant in person.

versus

M/S LOGIX BUILDTECH PRIVATE LIMITED Respondent

Through : None.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

10.01.2017

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1. The appellant is aggrieved by the judgment dated 30.7.2016 passed by the learned ADJ in a suit for recovery instituted by him against his employer, the respondent herein. In his suit, the appellant had sought recovery of Rs.4,40,322/- against the respondent/defendant along with interest @ 24% p.a., w.e.f. 1.8.2013 till realization.

2. Under the impugned judgment, the trial court had partly decreed the suit in favour of the appellant/plaintiff and against the respondent/defendant to the extent of granting him the salary for the month of July, 2013 including earned leave of one day and special incentives of Rs.2,00,000/- after necessary deductions along with interest on the special incentives and on the one day's earned leave @ 6% per annum from the date of institution of the

suit till the date of the decree. Costs of the suit were also awarded in favour of the appellant/plaintiff.

3. Counsel for the appellant/plaintiff states that the respondent/defendant has already paid the entire amount payable to the appellant/plaintiff towards satisfaction of the decree. The sole grievance of the appellant in the present appeal is the quantum of interest awarded by the trial court. It is submitted that the learned trial court has only granted interest @ 6% p.a. on the principal amount from the date of institution of the suit till the date of decree, whereas the appellant had claimed interest @ 24% p.a. It is contended that the least the trial court ought to have done was to grant interest at the rate fixed by banks for FDR's.

4. This court does not find any reason to interfere in the impugned judgment on the aspect of the interest awarded.

5. At this stage, counsel for the appellant states, on instructions, that having regard to the fact that when the appeal was initially filed on 2.11.2016, the rate of interest was higher but in the past two months, the banks have slashed the rate of interest payable on FDR's, in the current scenario, there would be no point in pressing the appeal. He therefore seeks leave to withdraw the appeal and requests that as the same is being withdrawn at the stage of admission itself, an order may be passed for refund of the court fees affixed on the appeal, which is to the tune of Rs.6,700/-.

6. In view of the submission made by counsel for the appellant and having regard to the fact that the appellant is a senior citizen who is proposing to withdraw the appeal at the stage of admission itself, it is deemed appropriate to direct the Registry to issue a certificate in his favour

for refund of the court fees to the extent of Rs.5,000/-.

7. The appeal is disposed of as withdrawn, along with the pending application.

HIMA KOHLI, J

JANUARY 10, 2017

sk/mk

