

CWP No.4976 of 2018

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.4976 of 2018
Date of decision:28.02.2018**

DAV College Trust and Management Society and another ...Petitioners

Versus

Dabwali Fire Tragedy Victims Association and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rajiv Kataria, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

The petitioner has challenged the order dated 11.12.2017 and order dated 19.02.2018 passed by the Additional Civil Judge (Senior Division), Dabwali.

Although the case has a chequered history but in short, the impugned order dated 11.12.2017 came to be passed on an application filed by the Dabwali Fire Tragedy Victims Association seeking revival of the execution for payment of the remaining amount. Vide order dated 11.12.2017, the application was allowed and the present petitioners were directed to deposit ₹2,33,10,455/- along with interest @ 10% from April, 2013 till the date of realization with the Court till 22.12.2017, making it clear to the petitioners that in case of default, warrant of attachment against property of the petitioners shall be issued. Aggrieved against the said order, the petitioners preferred CWP No.29818 of 2017, which was disposed of on 22.12.2017 with the following order:-

“Learned counsel for the petitioners, after arguing for sometime, has prayed that since there are factual errors in the impugned order in respect of the period and calculations of

interest, therefore, they would file an application for seeking review of the said order.

In view thereof, the present petition is disposed with the liberty aforesaid. However, it is made clear that the impugned order shall remain suspended only for a week.

A copy of this order be given to the learned counsel for the petitioners under the signatures of the Bench Secretary of this Court.”

Apropos, the review application was filed by the petitioners which has been disposed of by the impugned order dated 19.02.2018 directing the petitioners to deposit ₹2,29,86,292/- along with interest at the rate of 10% per annum from 11.03.2013 till date with the Court on or before the next date of hearing with further observation that any payment made by the petitioners during this period be deducted accordingly. Thus, the petitioners were directed to make the payment on or before 28.02.2018.

The only argument raised by counsel for the petitioners is that the calculations have wrongly been made as the petitioners have been asked to pay the interest on interest.

After hearing learned counsel for the petitioners and taking into consideration both the impugned orders dated 11.12.2017 and 19.02.2018, I am of the considered opinion that there is no error on the part of the Court below as the calculation has rightly been done which does not call for any interference by this Court.

Consequently, the present petition is hereby dismissed, being denuded of any merit, though without any order as to costs.

February 28, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No