

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.5574 of 2018
Date of Decision:24.08.2018

Devender Kumar

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Vikram Singh, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

This petition is filed for seeking a direction to respondent No.4 to pay interest.

The petitioner had admittedly filed CWP No.13229 of 2016 which was disposed of on 11.7.2016 with a direction to make the payment within three months. The petitioner had to file COCP No.335 of 2017. The petitioner received the principle amount during the contempt proceedings which was disposed of by this Court as infructuous on 20.4.2017 because the petitioner did not raise any grievance of non-payment of interest at that time and was rather satisfied with the payment having been made.

Learned counsel for the petitioner had sought time to address the argument as to how the petitioner would be entitled for interest when the contempt petition filed by him was dismissed as infructuous apparently on his satisfaction.

Learned counsel for the petitioner has submitted that the petitioner has admittedly not asked for interest at the time of disposal of the

“Reply by way of affidavit of Mandip Singh

Brar, Deputy Commissioner, Karnal has

been filed in Court. Same is taken on record.

Counsel for the petitioner submits that in

view of order Annexure R-1, passed by the

authority, this petition has been rendered as

infructuous.

Dismissed as such.”

The petitioner should have raised the issue of interest at the time when the contempt petition was disposed of otherwise the prayer made by the petitioner is now barred by Order 2 Rule 2 of the CPC. Hence, the present petition is found to be without any merit and the same is hereby dismissed though without any order as to costs.

24.08.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No