

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-2623-2015 (O&M)

Date of Decision:-25.01.2018.

Balbir Singh (deceased) through his LRs

.....Appellants

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Rishab Lohan, Advocate for
Mr. R.N. Lohan, Advocate for the appellants.

Mr. Rajesh Gaur, Additional A.G. Haryana.

P.B. BAJANTHRI, J. (Oral)

Present Regular Second Appeal is filed against the trial Court order dated 30.10.2013 and Appellate Court order dated 16.1.2015.

Appellant's claim is relating to entitlement of interest on belated implementation of the judgment of suit decreed on 29.10.2005 which was implemented on 24.3.2011. Both the trial as well as Appellate Court dismissed claim of the appellant on the score that principle of Order 2 Rule 2, CPC would come in the way of extending the benefit of interest on belated settlement of monetary benefits which were to be disbursed on 29.10.2005, the date on which suit was decreed.

Substantial question for consideration in the present appeal is whether Order 2 Rule 2 CPC would come in the way of extending benefit of

interest for belated implementation of decree dated 29.10.2005 on 24.03.2011 or not?

Suit was decreed in favour of the appellant on 29.10.2005 for promotion to the post of Welder. Respondents-Department filed appeal against the trial Court order dated 29.10.2005. Thereafter, matter was taken up to the Supreme Court and attained finality on 9.3.2011 in favour of the appellant. Thus, respondents have implemented the benefit of promotion and monetary benefits on 24.3.2011. There is a delay of extending the benefit of promotion as well as monetary benefits from 29.10.2005 to 24.03.2011. In view of these facts and circumstances, Order 2 Rule 2 CPC is not attracted for the purpose of claiming interest on belated implementation of suit decreed way back on 29.10.2005. Thus, both trial as well as Appellate Court have erred in rejecting appellant's claim to the extent that he is not entitled to interest on belated settlement. Order of the trial as well as Appellate Court dated 30.10.2013 and 16.01.2015 respectively, are set aside. Appellant is entitled to interest on belated settlement for the period from 29.10.2005 to 24.3.2011 @ 8 % per annum. Interest shall be calculated and disbursed within a period of 4 months from today.

Appeal stands allowed.

(P.B. BAJANTHRI)
JUDGE

January 25, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.