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

\+   RFA 602/2018

REETA KHURANA ..... Appellant

Through: Mr. Abhimanyu Reddy, Advocate with appellant in person (M. No.8377839969).

versus

TEK CHAND SHARMA ..... Respondent

Through: Mr. Bharat Deepak, Advocate (M. No.9818202041).

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

O R D E R

% **19.11.2018**

1. A limited notice was issued in this appeal vide order dated 30.7.2018 for the appellant/plaintiff to get higher rate of interest on the amount paid by the appellant/plaintiff to the respondent/defendant under the subject Agreement to Sell dated 8.12.1991. This order dated 30.7.2018 reads as under:-

> "**CM No.30038/2018 (exemption)**
>
> 1. Exemptions allowed subject to just exceptions.
> CM stands disposed of.
>
> **CM No. 30039/2018 (delay in re-filing)**
>
> 2. For the reasons stated in the application, delay in re-filing is condoned.
> CM stands disposed of.

RFA No. 602/2018

> 3. Learned senior counsel for the appellant, after arguing the appeal in detail, on instructions from the appellant, who is present in person, states that this appeal is not pressed with respect to seeking a decree for specific performance but the appellant only presses the appeal for seeking the higher rate of interest payable with respect to the amount to be refunded to the appellant by the respondent. Reliance in this regard is placed upon para 18(i) of the judgment passed by this Court in the case of ***M.C. Luthra Vs. Ashok Kumar Khanna 2018 (248) DLT 161***
>
> 4. Accordingly, limited to the aforesaid aspect of grant of higher rate of interest to the appellant/plaintiff, notice be issued to the respondent, on filing of process fee, both in the ordinary method as well as by registered AD post, returnable on 19th November, 2018."

2. After some arguments, it is agreed that the appellant can receive a sum of Rs.4 lacs alongwith interest not at 8% per annum as granted by the trial court but at 13% per annum from 7.4.1992, the date determined by the trial court for commencement of the interest.

3. Accordingly, this appeal is disposed of by ordering the respondent/defendant to pay a sum of Rs.4 lacs alongwith interest @ 13% per annum from 7.4.1992 till date. Counsel for the respondent states that the amount due would be approximately Rs.14,04,000/- and the respondent who is present in person is handing over a cheque of Rs.14,10,000/- to the counsel for the appellant bearing no.567362 dated 19.11.2018 for a sum of Rs.14,10,000/- drawn on Canara Bank, Delhi Saket Branch, New Delhi and

it is undertaken that this cheque will be honoured on presentation.

4. This appeal is accordingly disposed of as settled and satisfied on the appellant/plaintiff receiving the aforesaid cheque but subject to realization.

VALMIKI J. MEHTA, J

NOVEMBER 19, 2018

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