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

**Civil Revision No.6398 of 2018 (O&M)
Date of Decision: 30.04.2019**

**Chairman Pungrain Corporation and others
.....Petitioners**

Vs

**M/s Kartar Traders Office at Kacha Zira Road
....Respondent**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms. Deepali Puri, Advocate
for the petitioners.

Mr. Mandeep K. Sajjan, Advocate
for the respondent.

RAJ MOHAN SINGH, J.

[1]. Petitioners have preferred this revision petition against the order dated 07.04.2018 passed by the Civil Judge (Sr. Divn.) Ferozepur, vide which the executing Court has dismissed the objection petition filed by the petitioners/judgment debtors.

[2]. Respondent filed a suit for recovery along with interest. The trial Court vide judgment and decree dated 05.07.2016 decreed the suit with costs for recovery of Rs.1,43,011/- as principal amount along with interest @ 18% per annum on the principal amount i.e. Rs.1,43,011/- from the date the amount is due till the date of decree along with future interest @ 9% per

annum on the principal amount from the date of decree till final realization of the amount. No appeal was preferred by the petitioners against the judgment and decree of the trial Court.

[3]. Thereafter, execution was filed by the decree holder. In the execution, petitioners filed an objection on the ground that the relief is not in consonance with the Section 34 CPC and the interest be modified in terms of Section 34 CPC.

[4]. At the time of issuance of notice of motion on 24.09.2018, following order was passed by this Court:-

“Learned counsel for the petitioners contends that issue of interest in terms of Section 34 CPC can be raked up for the first time during execution proceedings also.

*Learned counsel refers to **Gurdeep Singh and others vs Bank of India, 2009(2) RCR (Civil) 461** and **Food Corporation of India vs Hardy Singh and others, 1996(2) CCC 475.***

Notice of motion for 05.12.2018.

Till the next date of hearing, payment (if any) beyond 6% interest shall remain stayed.”

[5]. Section 34 CPC provides that insofar as a decree is for the payment of money, the Court may, in the decree, order interest at such rate as the Court deems reasonable to be paid on the principal sum adjudged, from the date of the suit to the date of the decree, in addition to any interest adjudged on such principal sum for any period prior to the institution of the suit, with further interest at such rate not exceeding six per cent per

annum as the Court deems reasonable on such principal sum, from the date of the decree to the date of payment, or to such earlier date as the Court thinks fit.

[6]. The legal objection can be raised even at the stage of execution in view of law laid down in **Gurdeep Singh and others** and **Food Corporation of India's** cases (supra).

[7]. During the course of arguments, learned counsel for the petitioners confined her prayer only to the future interest and submitted that in terms of Section 34 CPC, the future interest from the date of decree till final realization of the amount cannot exceed 6% per annum. So far as the interest *pendente lite* and interest accrued at pre filing stage of the suit cannot be considered at this stage as the award of such interest even as per Section 34 CPC can be made on the ground of reasonableness as the Court may think it proper. So far as the future interest is concerned that cannot exceed 6% per annum from the date of decree till final realization of the amount.

[8]. Learned counsel for the respondent could not show any other proposition with reference to any case law.

[9]. In view of aforesaid, I deem it appropriate to modify the future interest from @ 9% per annum to @ 6% per annum from the date of decree till final realization of the amount. Necessary calculation be made by the executing Court.

[10]. With the aforesaid modification, this revision petition is disposed of. Normal consequences to follow.

April 30, 2019

(RAJ MOHAN SINGH)
JUDGE

Atik

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No