

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

212

RSA-1372-2012 (O&M)
Date of Decision : 06.09.2019

Bhim Raj @ Bhim Singh @ Bhim Ram Appellant

Versus

Nand Lal Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr.Rahul Vats, Advocate
for the appellant.

Ms. Mehak Sawhney, Advocate for
Mr. Vinod S.Bhardwaj, Advocate
for the respondent.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, appellant-defendant has laid challenge to judgment and decree of the lower Appellate Court dated 22.09.2011, affirming judgment and decree of the trial Court dated 12.05.2011, whereby suit of the respondent-plaintiff for recovery of Rs.3,18,000/- was decreed along with interest @ 18% per annum from the date of filing of the suit till its actual realisation.

Learned counsel for the appellant has restricted his arguments qua award of interest by both the courts below. He contends that 18% interest awarded by the Courts below to the respondent-plaintiff is quite exorbitant, the same may be made just and reasonable.

On the other hand, learned counsel for the respondent-plaintiff, has pleaded the legality and validity of the judgments of

both the Courts below.

Having given thoughtful consideration to the rival submissions, this Court is not inclined to differ with the concurrent findings of both the Courts below, inasmuch as, vide pronote Ex.P1 and receipt Ex.P2, the appellant-defendant himself had voluntarily agreed to pay interest @ 1.5% per month i.e. 18% per annum. Therefore, he is estopped to claim any reduction to the same.

In view of the above, no interference is called for in the concurrent findings of both the Courts below. However, in the interest of justice, equity and good conscience, this Court reduces the interest to 12% per annum from the date of institution of suit till actual realisation.

But with above modification, this appeal is dismissed.

September 06, 2019
anju

(RAMENDRA JAIN)
JUDGE

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