

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

105

R.S.A. NO.3150 OF 2015 (O&M)

DATE OF DECISION: APRIL 09, 2019

**The Secretary to Govt. of Haryana, Food & Supplies Deptt., Chandigarh and
another**

.....Petitioners

VERSUS

Lajpat Rai Chauhan

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Pradeep Prakash Chahar, DAG, Haryana,
for the State-appellants.

Mr. Chander Shekhar, Advocate,
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Present appeal has been preferred, challenging the judgment and decree dated 08.11.2013 passed by the Civil Judge (Junior Division), Kurukshetra, which has been upheld by the learned Additional District Judge, Kurukshetra vide judgment dated 18.04.2015 to the extent of grant of interest at the rate of 18% to the respondent-plaintiff on the delayed payment of claim as has been projected in the civil suit.

It is not in dispute that during the pendency of the civil suit, appellant-defendants have made the payments, which had been claimed by the respondent in the civil suit and, therefore, the only prayer which was required to be finally adjudicated and decided was the amount of interest payable to the respondent.

As per the assertion of counsel for the respondent, there is a delay of five years in making payment of the amount due to the petitioner and, therefore, he asserts that interest of 18%, which has been granted to the respondent, is fully justified and does not call for any interference.

On the other hand, counsel for the appellants asserts that no doubt there has been delay on the part of the appellants in making payments, which had been claimed by the respondent-plaintiff in the civil suit but it is during the pendency of the said civil suit itself that all the dues payable to the respondent were released, which fact is not disputed. He, therefore, asserts that the interest as has been granted by the Courts below being on excessive side may be reduced, especially when there has not been an inordinate delay on the part of the appellants, especially when the claim was put forth by the respondent.

On considering the submissions made by counsel for the parties, this Court is of the considered view that the interest of 18% granted to the respondent from the date it became due till the date of payment is on excessive side, especially keeping in view the fact that the day when the charge sheet issued to the respondent was dropped, the consequential benefits were ordered to be paid and were ultimately released to him during the trial itself. The details of the same have been given in Para 12 of the judgment passed by the lower Appellate Court at Page 36 of the paper book. On going through the dates on which the payments have been released to the respondent, it is apparent that the charge sheet was dropped on 29.03.2013 and the pension was released to the respondent on 09.04.2013. The remaining consequential benefits such as gratuity, leave encashment and other benefits, including commuted pension were released to him in the

month of May and by 5.6.2013.

In the light of the above, the interest as granted to the respondent-plaintiff is reduced to 9% per annum from the date it became due till the date of disbursement. The decree passed by the Courts below stands modified to that extent. Counsel for the appellants states that the benefit of interest @ 9% per annum from the date it became due till the date of disbursement stands already paid to the respondent.

In view of the above, no further orders are required to be passed. The appeal is partly allowed as recorded above.

April 09, 2019
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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