

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

RSA No.6081 of 2016 (O&M)

Date of decision:20.02.2019

M/s Vardhman Traders, Commission Agent ... Appellant

Vs.

Jasbir Singh (since deceased) through LRs ... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. P.S.Jammu, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.16017-C of 2016

For the reasons stated in the application which is duly supported by an affidavit, delay of 26 days in re-filing the appeal is condoned.

C.M. stands allowed.

C.M.No.16018-C of 2016

For the reasons stated in the application which is duly supported by an affidavit, delay of 05 days in filing the appeal is condoned.

C.M. stands allowed.

RSA No.6081 of 2016 (O&M)

The only grievance raised in the present appeal is against the judgment and decree of the Lower Appellate Court which has modified the judgment and decree of the trial Court decreeing the suit along with interest

by eliminating the interest.

Mr. P.S.Jammu, learned counsel appearing on behalf of the appellant-plaintiff submitted that even if the pronote did not contain the element of interest @ Rs.6% per annum under Section 34 of Code of Civil Procedure, the Court below ought to have granted the interest.

I am afraid the aforementioned argument is not sustainable, for, if the person like appellant-plaintiff, who is a Commission Agent, had extended the facility of loan, the documents should contain the element of interest, particularly the loan was extended to the farmer who was already under debt and had been indulging in committing suicide.

The finding of fact and law arrived at by the Lower Appellate Court modifying the judgment and decree of the trial Court in the manner and mode as indicated above cannot be said to be suffering from illegality and perversity.

The court fee of Rs.100/- was affixed on account of interest part only. The court fee cannot be confined qua interest part as it has to be paid with regard to the entire relief.

At this stage, Mr. Jammu, Advocate seeks withdrawal of the present Regular Second Appeal.

Dismissed as withdrawn.

(AMIT RAWAL)
JUDGE

February 20, 2019

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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No