IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

215 **RSA- 693 of 2015 (O&M)**
Date of Decision:14.5.2019

GULSHAN KUMAR & ANR

......appellants

Versus

MAN CHAND

.....Respondent

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

Present: Mr.P.L.Singla, Advocate
for the appellants.

Mr.Kamal Chaudhary,Advocate
for the respondent.

****

RAJ MOHAN SINGH, J.(Oral)

During the course of arguments, a consensus has been arrived at between learned counsel for the parties, whereby, learned counsel for the plaintiff/ respondent has agreed to give benefit of recital of Rs.65,000/- in receipt Ex.D-2 and of Rs.35,000/- in receipt Ex.D-3, thereby deducting an extra amount of Rs.1 lakh from Rs.3,38,000/-, which was fixed as liability of the defendants to pay to the plaintiff along with pendente lite interest @ 9% p.a. and 6% p.a. as future interest from the date of decree till final realization of the amount.

Learned counsel for the plaintiff/ respondent has placed on record a calculation sheet, thereby, calculating an amount of Rs.2,38,000/- as principal amount after deducting the aforesaid extra amount of Rs.1 lakh. The aforesaid amount of Rs. 2,38,000/- would carry an interest @ 9% p.a. as pendente lite interest from 18.4.2006 till the date of decree passed by the trial Court i.e. 9.1.2014. In this manner, the pendente lite interest would accrue for a period of 92 months and the amount on such calculation would come out to be Rs.1,64,220/-. Future interest @ 6% p.a. would be payable from date of decree i.e. 9.1.2014 till final realization of the amount. The total period for this purpose would come out to be 64 months. If the calculations are made for such determination, the amount of interest would come out to be Rs.76,160/-. In this manner, the total amount payable by the judgment debtor as on date would be 238000+164220+76160= Rs.4,78,380/-.

Learned counsel for the appellants has pointed out that an amount of Rs.3 lakhs has already been deposited by the appellants with the Executing Court. The Executing Court shall take into consideration the aforesaid deposit and then make necessary calculations and pass an appropriate order in accordance with law. The appellants shall pay the balance amount within two months after passing of order by the Executing Court. In the event of default, the amount in question shall carry bank interest on the delayed payment.

With this modification, the appeal stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

May 14, 2019
anita

Whether reasoned/speaking Yes/No
Whether reportable Yes/No