

**C.M. NO.8547 C OF 2018 &
R.S.A. NO.1841 OF 2017**

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

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**C.M. NO.8547 C OF 2018 &
R.S.A. NO.1841 OF 2017**

DATE OF DECISION: SEPTEMBER 02, 2019

Amrik Singh

.....Appellant

VERSUS

State of Punjab and others

....Respondents

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

Present: Mr. Suvir Kumar, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.8547-C of 2018

Prayer in this application is for leading additional evidence by placing on record the orders vide which the recovery has been effected upon the applicant-appellant alongwith various other documents.

Keeping in view the fact that these recovery orders were very much available with the applicant-appellant and were to his knowledge but he has failed to produce the same before the Courts below and no reasonable explanation has come forward, which would justify the non-production of said documents, moreso the claim made in the present appeal is not furthered by these documents, the same cannot now be allowed to be placed on record at this belated stage.

The application, therefore, stands dismissed.

R.S.A. No.1841 of 2017

Challenge in this appeal is to the judgment and decree dated 30.09.2014 passed by Civil Judge (Junior Division), Ludhiana, whereby the suit for declaration to the effect that the order dated 17.06.2009 passed by the Deputy Controller (F&A), Internal Audit Department of Finance, Punjab, Ludhiana, is null and void and also sought for a decree of permanent injunction restraining the defendants from recovering the amount of ₹22,177/- and future recovery of amount as per order dated 17.06.2009, has been decreed to the extent of ₹22,177/-. However, the subsequent recoveries, which have been effected, have not been granted. Appeal was preferred against the said judgment and decree by the appellant-plaintiff, which has been further decreed in his favour by granting him the benefit of ₹49,347/-, which was the amount recovered between the period from June 2005 to March 2010. The total amount, which the appellant was held entitled to refund, was ₹71,424/-. The lower Appellate Court had further granted interest @ 6% per annum in case the said amount is not disbursed/refunded to the appellant-plaintiff within a period of two months from the date of receipt of certified copy of the order. These judgments and decree passed by the Courts below have been challenged by the appellant-plaintiff by asserting that he was entitled to interest from the date of refund till the date of disbursement.

This contention of learned counsel for the appellant cannot be accepted in the light of the fact that no interest has been claimed by the appellant in the civil suit, which has been preferred by him. There are no pleadings supporting the plea of grant of interest. Therefore, as per the mandate of the provisions of Civil Procedure Code, the Courts below have

granted interest to the appellant, which cannot be faulted with.

In view of the above, finding no merit in the appeal, the same stands dismissed.

September 02, 2019
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(AUGUSTINE GEORGE MASIH)
JUDGE

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