

CM No. 19192-CWP of 2021 and
CM No. 19199-CWP of 2021 in/and
CWP No. 20939 of 2021

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

CM No. 19192-CWP of 2021 and
CM No. 19199-CWP of 2021 in/and
CWP No. 20939 of 2021
Date of Decision: 21.12.2021

M/s Chandigarh Royal City Promoter Pvt. Ltd.

-Petitioner

Versus

Permanent Lok Adalat and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate, with
Mr. Prateek Sodhi, Advocate, and
Mr. Gagandeep Jammu, Advocate,
for the petitioner.

Mr. G.S. Kaura, Advocate,
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)
CM No. 19192-CWP of 2021

This is an application for preponing the date of
hearing of the main case which is already fixed for 14.01.2022.

Keeping in view the issue involved in the present
case and with the concurrence of both the parties, the date of
hearing is preponed and the main case is taken up today.

Main case

Permanent Lok Adalat decided the application of

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respondent No.2 under Section 22(C) of Legal Services Authority Act, 1987 for the settlement of dispute by passing the following operative order:-

“12. In view of our above discussion we hold that the applicant has been able to substantiate his case and his application is hereby allowed and the respondents are directed as under:-

(a) to refund Rs.807000/- to the applicant alongwith interest @ 8% from the date of deposit till realization in equal shares.

(b) to pay Rs.1,50,000/- as compensation on account of mental agony and harassment apart from Rs.8000/- towards litigation charges to the applicant in equal shares.

These amounts shall be paid by the respondents to the applicant within 45 days from the date of receipt of copy of award, failing which the respondents shall be liable to pay interest @ 15% P.A. till its realization.”

Learned senior counsel for the petitioner submits that the petitioner is not aggrieved by Clause a and b of the

operative part of the order, but is only aggrieved by the recital of imposing penal interest @ 15% per annum in the event of failure from the date of accrual till final realization of the amount.

During course of arguments, both the parties have agreed that instead of 15% interest, the same be reduced to 12% per annum and other conditions of the order be kept intact. The consensus arrived at between the parties is just and fair.

In view of understanding between the parties, the impugned award is modified only to the extent of reducing interest from 15% p.a. to 12% p.a. which shall be applied in the present case in order to answer the claim in favour of respondent No.2. The aforesaid order shall not be treated to be a precedent for any other case so far as agreed interest is concerned.

Learned senior counsel on instructions from the petitioner undertakes to make the entire payment with interest on or before the next date of hearing before the Executing Court. In the event of depositing the amount before the Executing Court, respondent No.2 shall withdraw the execution forthwith.

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In case, the aforesaid settlement is not implemented, the original conditions of the order shall be enforced by the Executing Court.

Disposed of.

21.12.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE