

SURJIT KAUR AND ORS
VS
MANJIT SINGH THROUGH HIS LRS

Present: Mr. G.S. Punia, Sr. Advocate,
with Ms. Harveen Kaur, Advocate
for the applicants-respondents.

Mr. Manish Kumar Singla, Advocate
for the non-applicants-appellants.

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The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The Regular Second Appeal was dismissed on 03.02.2020. However, the plaintiff was directed to pay the entire balance amount along with the interest at the rate of 12% per annum from the date of institution of the suit till its deposit before the Executing Court.

A limited review of the following observation has been sought:-

“Keeping in view the aforesaid facts that the entire balance payment has remained with the plaintiff, therefore, the decree passed by the Court is modified to the extent that there shall be decree for possession by way of specific performance for agreement of sale on payment of balance sale consideration within 06 months along with interest @ 12% per annum from the date of institution of suit till its deposit before the executing court.”

The learned counsel representing the plaintiff contends that in fact, the amount was deposited on 11.09.2006 and therefore, the plaintiff cannot be burdened with interest thereafter.

Per contra, the learned counsel representing the respondent has pointed out that the plaintiff withdrew the amount on 09.11.2006 and thereafter, deposited it again on 24.08.2012, only after the decision of the first appeal.

The learned counsel representing the applicant has drawn the attention of the Court to the interim orders passed by the First Appellate Court while granting stay to the defendant.

There is no dispute that the balance payable amount has remained with the plaintiff for all these years except for a period of two months i.e. 11.09.2006 to 09.11.2006, which was, thereafter, redeposited on 24.08.2012.

Keeping in view the aforesaid facts, the order is modified only to the extent that the interest shall be payable from the date of institution of the suit till its deposit on 24.08.2012.

With these observations, the application is disposed of.

February 11, 2022

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**(ANIL KSHETARPAL)
JUDGE**