

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

CR-2022-2021 (O&M)

Date of decision: 05.09.2022

The Pandher Khurd Cooperative Labour and Construction Society Ltd.

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Akhilesh Vyas, Advocate for the petitioner

Mr. Sandeep Chopra, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

Through this revision petition filed under Article 227 of the Constitution of India, the petitioner prays for setting aside the order dated 31.10.2017, passed in the execution petition. In substance, the petitioner claims that he is entitled to the compound interest on the principal amount. The Executing Court has held that there is no order to pay to the petitioner the principal amount alongwith the compound interest.

The decree passed by the trial court was modified by the First Appellate Court on 08.01.2014. The operative part of the judgment of the First Appellate Court reads as under:-

“14. As a result of detailed discussion, the impugned judgment and decree are modified to the extent of granting interest on the principal amount of Rs.2,22,514/- at the rate of 8% p.a from the date of filing of suit till realization, and in this place, interest at the rate of 9% p.a. is ordered to be paid to the plaintiff by the defendants. Remaining part of judgment and decree shall remain intact. The appeal is allowed partly with proportionate costs. Decree sheet be prepared. Lower court record be

returned forthwith and appeal file be consigned to the record room.”

It is evident that the First Appellate Court has decreed the suit for payment of principal amount of Rs.2,22,514/- alongwith interest at the rate of 9% per annum from the date of filing of suit till its realization. There is no decree for payment of the principal amount alongwith interest. Hence, no ground to interfere is made out.

Dismissed.

The learned counsel representing the petitioner submits that the decree holder has not been paid the entire amount as per the decree. Since the aforesaid issue does not arise in the present revision petition, hence, the petitioner, if so advised, may file an application well before the next date of hearing before the Executing Court.

All the pending miscellaneous applications, if any, are also disposed of.

05.09.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE