

2023:PHHC:100373

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

RSA-5546-2019 (O&M)
Date of decision: 03.08.2023

Biswa Dutta Jena

..Appellant

Versus

Nvish (Atherio) DLF Info City

.Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms.Ekta Thakur, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. The First Appellate Court has modified the decree passed by the trial court while decreeing the suit to the extent of Rs.2,62,333/-. Originally, the plaintiff filed the suit for recovery of Rs.3,60,000/- which was decreed, however, the First Appellate Court, on the re-appreciation of evidence has found that after deduction of the tax, the plaintiff shall be entitled to Rs.2,62,333/-.
2. Learned counsel representing the appellant contends that the First Appellate Court has erred in passing the decree alongwith interest at the rate of 6% per annum whereas the trial court had decreed the suit with interest at the rate of 12% per annum.
3. This Court has considered the submissions made by the learned counsel representing the appellant. The question of rate of interest depends upon the discretion of the Court. In this case, the First Appellate Court has exercised its discretion which does not require interference. Hence, no ground to interfere is made out.
4. Dismissed.

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

03.08.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE