

varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 457 OF 2024**

Laxmanrao Parvatrao Jadhav ... Appellant

vs.

Ramgonda Balgonda Patil (Deceased) ... Respondent

Mr. Veerdhaval Kakade, for Appellant.

CORAM : GAURI GODSE, J.

DATED : 1st AUGUST 2024

ORDER:

1. The soft copy of Second Appeal shared on the drive is without any book-mark and index. A copy of this order to be forwarded to the learned Registrar (Judicial-I) for information and appropriate action.

2. Heard learned counsel for the appellant. Second Appeal is admitted on the following substantial questions of law:

I) Whether the reduction in rate of interest from 18% to 6% from the date of filing of the suit, till the date of decree modified by the First Appellate Court is justified by relying upon Section 34 of the Civil Procedure Code, 1908?

II) Whether the outer limit of 6% rate of interest as

provided under Section 34 of the Civil Procedure Code, 1908 can be made applicable from the date of filing of the suit till the date of decree?

III) Whether the First Appellate Court is justified in reducing the rate of interest from 18% to 10 % from the date of agreement till the date of decree on the ground that it is not a commercial transaction, is sustainable, in as much as it is the submission of the plaintiff that the rate of interest granted by the trial court is based on equity and could not be reduced by holding that it was not a commercial transaction?

3. In addition to Court notice, Appellant to serve the respondent, by private notice and file affidavit of service.

4. Call for records and proceedings.

5. Printing is dispensed with.

6. Appellant shall file private paper-book within a period of one year from today.

(GAURI GODSE, J.)