



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Civil Revision No.1305 of 2024 (O&M)

Date of Decision: 07.05.2024

M/s Ambey Chemicals & Anr.

...Revisionists-Petitioners

Versus

Harish Anand & others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Gautam Pathania, Advocate,
for the revisionists-petitioners.

* * * *

MEENAKSHI I. MEHTA, J. (ORAL)

Feeling aggrieved by the order (Annexure P-9) handed down by learned Civil Judge (Junior Division), Hoshiarpur (for short 'the Executing Court') on 20.01.2024 in the *Execution Petition No.233 of 2019* titled as '*Harish Anand and another versus M/s Ambey Chemicals and others*', whereby Objection Petition No.5 of 2024 (Annexure P-8), filed by the petitioners/Judgment-Debtors No.1 and 2 (here-in-after to be referred as 'JDs No.1 & 2') in respect of the application (Annexure P-7) moved by respondents No.1 & 2/Decree-Holders (here-in-after to be referred as 'the DHs') under Order 21 Rule 66 CPC, has been disposed of while calculating the balance decretal amount, as payable by the JDs, to be Rs.10,68,901/-, they (JDs No.1 & 2) have chosen to prefer the instant revision-petition to lay challenge to the same.

2. I have heard learned counsel for the petitioners-JDs No.1 & 2 in the present revision-petition, at the preliminary stage and have also gone through the file carefully.



3. Learned counsel for JDs No.1 & 2 refers to the following observations, as made by the Lower Appellate Court in Para No.20 in its judgment Annexure A-1, as rendered in the Civil Appeal filed by the DHs:-

“20. In view of these facts and my above discussion, the learned lower Court has failed to appreciate the facts, evidence on record and law applicable thereto in proper perspective and judgment and decree under appeal is not sustainable in the eyes of law. The same is liable to be and is hereby set aside to the extent that suit of plaintiffs is decreed with costs throughout for recovery of total amount of Rs.11,81,531.50Ps. instead of Rs.2,09,612.50Ps. with interest as allowed by learned lower Court.

and he further draws the attention of the Court to Para No.5 of the impugned order, wherein the Executing Court has reproduced the above-quoted observations as under:-

“In view of these facts and my above discussion, the learned lower Court has failed to appreciate the facts, evidence on record and law applicable thereto in proper perspective and judgment and decree under appeal is not sustainable in the eyes of law. The same is liable to be and is hereby set-aside to the extent that suit of plaintiffs is decreed with costs throughout for recovery of total amount of Rs.11,81,531.50/-, instead of Rs.2,09,612.50/-, with interest as allowed by learned lower Court.”

and he contends that the Executing Court has inserted ***commas*** (,) before and after the words **‘instead of Rs.2,09,612.50 Ps.’** in the last line of the afore-mentioned para and has, thereby, wrongly construed that besides the sum of Rs.11,81,531.50 Ps, the interest has also been granted whereas it



(Executing Court) could not have gone beyond the above-cited findings of the Lower Appellate Court which, explicitly, go to show that the afore-said enhanced amount consisted of the principal sum as well as the interest accrued thereon and hence, the JDs could not be fastened with the liability to the pay interest in addition to the above-referred amount, as adjudicated by the Lower Appellate Court to be payable by them to the DHs.

4. However, the afore-raised contentions are devoid of any merit because the DHs had filed the Suit for seeking the recovery of the amount of Rs.11,81,531.50 Ps from JDs No.1 & 2 and proforma-respondents No.3 to 5, along-with interest thereon @ 18% per annum but the trial Court had partly decreed the same for an amount of Rs.2,09,612.50 Ps. only and had granted the interest @ 12% per annum from the date of filing of the Suit till the payment of decretal amount and vide judgment Annexure A-1, the Lower Appellate Court has decided the Civil Appeal, moved by the DHs against the above-mentioned verdict of the trial Court, by way of holding them (DHs) to be entitled to recover the afore-said amount, Rs.11,81,531.50 Ps, claimed by them in the Suit as the principal amount on account of its having fallen due to them from the JDs during the course of their business transactions, 'with interest as allowed by learned lower Court' and there is nothing in above-referred judgment to suggest/construe that the judgment of the trial Court, so far as it pertains to the grant of interest on the amount as payable by the JDs, has been set-aside and it being so, the afore-said enhanced sum, can, by no stretch of imagination, be considered to be the final decretal amount, while ignoring the consequential relief of interest, as specifically granted by the trial Court, which has to be calculated from the date of filing of the Suit till the day of the payment of the decretal amount by the JDs to the DHs.



5. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity or perversity so as to warrant any interference by this Court. Resultantly, the revision-petition in hand, being bereft of any merit, stands dismissed.

07.05.2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No