



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

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**RSA-850-1998 (O&M)
Date of Decision : 12.09.2024**

PARBHU (SINCE DECEASED) THR LRS
.... Appellants

VERSUS

P.N.B. AND ORS
.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ajay Jain, Advocate for the appellants.
Mr. Himanshu Sharma, Advocate for respondent No.1.

ALKA SARIN, J. (ORAL)

1. The only grievance of defendant No.1-appellant in the present case is that the Trial Court had decreed the suit of the plaintiff-respondent No.1 by awarding future interest @ 6% per annum till the date of realization of the decretal amount. Appeals were preferred by both the parties. The appeal filed by defendant No.1-appellant was dismissed whereas the appeal filed by the plaintiff-respondent No.1 was allowed and the future rate of interest was modified to 10½% per annum with half yearly rests from the date of filing of the suit till its realization.
2. Learned counsel for the defendant No.1-appellant would contend that as per Section 34 Code of Civil Procedure, 1908 the rate of interest should not exceed 6% for the period the suit remained pending in the Court.

3. *Per contra*, learned counsel for plaintiff-respondent No.1 states that he has no objection if the impugned decree is modified to the extent that the rate of future interest is kept at 6% per annum as was given in the decree passed by the Trial Court.

4. Heard.

5. In view of the above, the present appeal is allowed and the decree passed by the First Appellate Court is modified to the extent that the rate of future interest chargeable shall be 6% per annum instead of 10½%. Pending applications, if any, also stand disposed off.

12.09.2024

Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No