

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: 18.10.2024
Pronounced on: 19th November, 2024

1. LPA-2507-2024 (O&M)

The Haryana State Cooperative Agriculture
and Rural Development Bank Ltd. and
another
Vs. ...Appellants

Jagdish Singh and others ...Respondents

2. LPA-2510-2024 (O&M)

The Haryana State Cooperative Agriculture
and Rural Development Bank Ltd.
and another
Vs. ...Appellants

Balram Singh and others ...Respondents

CORAM: HON’BLE MR. JUSTICE DEEPAK SIBAL
HON’BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Naman Jain, Advocate
for the appellants.

DEEPAK MANCHANDA, J.

1. Vide this common judgement, the above mentioned Intra Court appeals shall be decided as the facts/issues involved therein are similar and for brevity, record/recital are being taken from LPA-2507-2024, titled as “The Haryana State Cooperative Agriculture and Rural Development Bank Ltd. and another Vs. Jagdish Singh and others”.

2. Through present Intra Court appeal, appellants have challenged

the impugned judgment dated 23.05.2022 and order of review thereto dated 04.03.2024 passed by learned Single Judge where the writ petition filed by the respondents was disposed of with a direction to the appellants to pay the arrears of salary alongwith the benefit of seniority with interest @5% per annum from the date same fell due till the date of realization to the respondents.

3. The outlined facts emanating from the pleadings of the present Intra Court appeals are that the respondents filed writ petition with the prayer for deemed date of appointment as had been given to other candidates in pursuance of the same selection process by granting the benefit of seniority and notional pay fixation at par with the candidates/employees, who joined their services prior to the respondents, being junior as per the merit list prepared at that time of selection pursuant to the advertisement dated 21.01.1996 by the appellants. Aggrieved against the impugned judgment dated 23.05.2022, appellants filed review application bearing No. RA-CW-166-2022 on the limited ground of granting interest being without jurisdiction, but same was dismissed by the learned Single Judge in view of Section 34 CPC by saying that the Court is well within its jurisdiction to grant the interest as once the respondents were found to be entitled for the grant of financial benefits, it had the jurisdiction to grant the interest so as to compensate the aggrieved party under Section 34 CPC, which enables the Court to grant the said relief. Now against the impugned judgment dated 23.05.2022 and consequent order dated 04.03.2024 passed by the learned Single Judge, the aforementioned Intra Court appeals have been preferred by the appellants by taking a plea that in prayer clause of the writ petition, no such prayer for granting interest in favour of

respondents was raised, therefore, the same is *nonest* in the eyes of law and while passing the impugned judgment and consequent order dated 04.03.2024, learned Single Judge wrongly relied upon Section 34 CPC. Now prayer for setting aside the impugned judgment dated 23.05.2022 alongwith consequential order passed in review application has been made.

4. We have heard learned counsel for the appellants and have perused the material available on record.

5. A perusal of the pleadings shows that appellants have confined themselves with the limited objection for granting interest which was beyond jurisdiction as no such prayer was made by the respondents in the writ petition whereas learned Single Judge by referring Section 34 CPC has justified the impugned judgment as well as the order passed under review application by saying that the Court is well within its jurisdiction for granting interest in case respondents were found entitled for the grant of financial benefits and Section 34 CPC empowers the Court to grant such relief as has been granted by passing the impugned judgment as well as review order dated 04.03.2024.

6. For the adjudication of limited question raised by the appellants through these Intra Court appeals, we need to examine Section 34 of CPC, and the same is reproduced here below:-

“Section 34-Interest

(1) Where and in so far as a decree is for the payment of money, the Court may, in the decree, order interest at such rate as the Court deems reasonable to be paid on the principal sum adjudged, from the date of the suit to the date of the decree, in addition to any interest adjudged on such principal sum for any period prior to the institution of the suit, (with further interest at such rate not exceeding six per

cent per annum as the Court deems reasonable on such principal sum), from the date of the decree to the date of payment, or to such earlier date as the Court thinks fit.

Provided that where the liability in relation to the sum so adjudged had arisen out of a commercial transaction, the rate of such further interest may exceed six per cent per annum, but shall not exceed the contractual rate of interest or where there is no contractual rate, the rate at which moneys are lent or advanced by nationalised banks in relation to commercial transactions.

Explanation I.- *In this Sub-section, "nationalised bank" means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970).*

Explanation II.- *For the purposes of this section, a transaction is a commercial transaction, if it is connected with the industry, trade or business of the party incurring the liability.]*

(2) Where such a decree is silent with respect to the payment of further interest (on such principal sum) from the date of the decree to the date of payment or other earlier date, the Court shall be deemed to have refused such interest, and a separate suit therefore shall not lie."

7. The bare reading of Section 34 CPC reveals that in case a decree is for the payment of money, the Court may, in the decree, order interest at such rate as the Court deems reasonable to be paid on the principal sum adjudged. Further, learned counsel for the appellants, to support his contentions, has relied upon the judgment passed by the Hon'ble Apex Court in case of "**Bharat Amratlal Kothari and another Vs. Dosukhan Samadkhan Sindhi and others**", **2010 AIR Supreme Court 475**, by saying that decision of a case

cannot be based on the ground outside the pleadings of the parties and learned

Single Judge wrongly granted the relief which was not asked for where neither prayer was ever made to amend the pleadings nor the relief of granting interest was prayed by the respondents.

8. Para 14 of the judgment passed in “**Bharat Amratlal Kothari and another Vs. Dosukhan Samadkhan Sindhi and others**”, 2010 AIR Supreme Court 475, is reproduced as under:-

“14. The approach of the High Court in granting relief not prayed for cannot be approved by this Court. Every petition under [Article 226](#) of the Constitution must contain a relief clause.

Whenever the petitioner is entitled or is claiming more than one relief, he must pray for all the reliefs. Under the provisions of the [Code of Civil Procedure](#), 1908, if the plaintiff omits, except with the leave of the court, to sue for any particular relief which he is entitled to get, he will not afterwards be allowed to sue in respect of the portion so omitted or relinquished. Though the provisions of the Code are not made applicable to the proceedings under [Article 226](#) of the Constitution, the general principles made in the Civil Procedure Code will apply even to writ petitions. It is, therefore, incumbent on the petitioner to claim all reliefs he seeks from the court. Normally, the court will grant only those reliefs specifically prayed by the petitioner. Though the court has very wide discretion in granting relief, the court, however, cannot, ignoring and keeping aside the norms and principles governing grant of relief, grant a relief not even prayed for by the petitioner. In [Krishna Priya vs. University of Lucknow](#) [(1984) 1 SCC 307], overlooking the rule relating to grant of admission to Postgraduate course in medical college, the High Court in the exercise of powers under [Article 226](#) of the Constitution directed the Medical Council to grant provisional admission to the petitioner. This Court set aside the order passed by the High Court observing that "in his own petition in the High Court, the respondent has merely prayed for a writ directing the State or the College to consider his case

for admission yet the High Court went a step further and straightway issued a writ of mandamus directing the College to admit him to M.S. course and thus granted relief to the respondent which he himself never prayed for and could not have been prayed for".

Again, in [Om Prakash vs. Ram Kumar](#) 1991 (1) RCR(Rent) 354 : [(1991) 1 SCC 441], this Court observed, "A party cannot be granted a relief which is not claimed, if the circumstances of the case are such that the granting of such relief would result in serious prejudice to the interested party and deprive him of the valuable rights under the statute". Though a High Court has power to mould reliefs to meet the requirements of each case, that does not mean that the draftsman of a writ petition should not apply his mind to the proper relief which should be asked for and throw the entire burden of it upon the court. It is relevant to notice that the High Court was not exercising powers under [Article 226](#) of the Constitution suo motu but was examining the validity of order passed by the Additional Chief Judicial Magistrate refusing to grant custody of goats and sheep to the respondent Nos. 1 to 6, in the Special Criminal Application, which was filed by them under [Article 226](#) of the Constitution through a seasoned lawyer. Xxx xxx xxx"

9. The bare reading of the aforesaid observations made by the Hon'ble Apex Court reveals that the learned counsel for the appellants has misconstrued interpretation in his favour whereas the Hon'ble Apex Court has not brushed aside the discretion given to the writ Court under Article 226 of the Constitution merely on the ground that if a relief has not been prayed by the petitioner the same cannot be granted rather has clarified that if the circumstances of the cases are such that the grant of such relief would result in serious prejudice to the interested party, the High Court has power to mould

reliefs to meet the requirements of each case. Hence, the observations made by the Hon’ble Apex Court must be interpreted in a right context.

10. After perusing the aforementioned Section as well as the afore-cited judgment, we are in agreement with the learned Single Judge for rightly granting the relief of interest to the respondents, which was well within his jurisdiction and the plea taken by learned counsel for the appellants is not tenable, whereas a specific provision has been enshrined by the statute which itself empowers the Court for any consequential benefits where the Court has jurisdiction to compensate the aggrieved party in the shape of interest as given by learned Single Judge.

11. Given the above discussion, we are not inclined to interfere and, consequently, both the appeals fail and same are dismissed.

12. Since the main case(s) is dismissed, pending application(s), if any, have also been rendered infructuous.

(DEEPAK MANCHANDA)

JUDGE

(DEEPAK SIBAL)

JUDGE

19th November, 2024

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No