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

RSA-929-2008 (O&M)

Date of decision: 23.01.2026

STATE OF PUNJAB AND ORS.

..appellants

Versus

PUSHPA DEVI

..Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Animesh Sharma, Addl. A.G, Punjab.

None for the respondent.

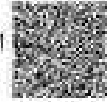
SUDEEPTI SHARMA, J. (Oral)

1. The present appeal is preferred by the State against judgment and decree dated 11.10.2006 passed by Additional District Judge, Barnala, whereby, the appeal filed by the respondent against judgment and decree dated 12.11.2005 passed by Civil Judge, Jr. Division, Barnala has been allowed and the civil suit filed by the respondent is decreed in his favour.

2. Learned counsel for the appellant-State contends that the civil suit filed by the respondent for interest on delayed payment of retiral benefits @18% per annum was dismissed, whereas, learned Additional District Judge, Barnala while deciding the appeal has wrongly allowed the same.

3. I have heard learned counsel for the appellant and perused the whole record of this case with his able assistance.

4. A perusal of notice of motion order dated 25.03.2008 passed in this appeal shows that this Court directed the appellant to pay the decretal amount by calculating the rate of interest @9% per annum instead of 18% per annum and it has been observed vide order dated 18.07.2008 passed by this Court in the presence of counsel for respondent that the decretal amount



along with interest @9% per annum has been paid to the decree holder/respondent.

5. Thereafter, the present appeal was admitted vide order dated 01.10.2008 on the following question of law:-

“Admitted on the following question of law:-

Whether in view of the provisions of Section 34 of the Code of Civil Procedure, a Civil Court has jurisdiction to grant interest beyond 6%

Payment, beyond the payment already made by State of Punjab is stayed still further orders.”

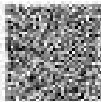
6. The payment beyond the payment already made by the appellant was stayed till further orders. This Court on 26.11.2025 directed the registry to issue notice to the respondent as well as counsel about the date fixed.

7. As per the report of registry respondent is unserved, since she has gone abroad. Appellants are not able to contact or get the fresh address of the respondent.

8. Since the appeal pertains to the year 2008, and the decretal amount with interest @9% has already been paid to the respondent, therefore, this Court deems it appropriate to decide the present regular second appeal as such.

9. Hon’ble Supreme Court in ***D.D. Tewari(D) through LRs Vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others; 2014(9) Scale 78*** has awarded interest @9% on delayed payment of retiral benefits.

10. Hon’ble Supreme Court in the above referred to judgment has also awarded interest @9% on delayed payment on retiral benefits, therefore, no further decision is required in the present appeal and the same is decided



as such. The question of law framed while issuing notice of motion vide order dated 01.10.2008 while admitting the present appeal being academic is left open.

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

January 23, 2026

Ayub/Saahil

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No