



(114) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-9897-2025 (O&M)
Date of Decision:25.02.2026

HIRA LAL

...Petitioner

Vs.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Deepak Joon, Advocate for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1 The present Civil Revision Petition has been filed under Article 227 of the Constitution of India, seeking to set aside the order dated 14.11.2025 in Case No. Exe. 183 of 2023, passed by the learned Civil Judge (JD), Rewari, whereby the execution petition filed by the petitioner was dismissed. The petitioner further seeks a direction that the respondent be directed to pay interest at the rate of 9% per annum on the arrears from 01.02.2012 to 30.11.2022, i.e., on the principal amount of Rs. 27,69,051/-, in accordance with the letter and spirit of the judgment and decree dated 27.01.2012.

2. Briefly stated, the petitioner filed a civil suit against the respondents/defendants, claiming that the respondents to refix the petitioner's pay w.e.f. 01.04.1990 and compute the arrears at the rate of 9% per annum within two months of passing of the judgment. The suit was decreed in favor of the petitioner, and subsequent appeals against the judgment and decree were dismissed. Thereafter, the petitioner filed an execution petition. In that execution petition, the respondents paid the arrears up to 31.01.2012 as per the decree dated 27.01.2012 and made a statement that the arrears from

01.02.2012 would be paid within three months. Accordingly, the execution petition was disposed of. The respondents eventually paid the remaining arrears from 01.02.2012 to 23.12.2022 on 01.08.2023; however, no interest on these arrears was paid. The petitioner then filed a second execution petition claiming interest on the arrears for the period from 01.02.2012 to 23.12.2022. The learned Civil Judge, vide order dated 29.07.2024, directed the respondents to pay the interest within 15 days. Thereafter, in apparent contradiction to the earlier orders, the Executing Court, vide the impugned order, dismissed the execution petition on the grounds that the original decree contained no stipulation regarding payment of interest on future arrears and that the first execution petition had been withdrawn after the respondents made a statement that only arrears from 01.02.2012 were pending. Aggrieved by the impugned order, the petitioner has filed the present revision petition.

3. Learned counsel for the revisionist contended that, since the arrears due to the petitioner have been paid without any interest, the petitioner is fully entitled to claim interest thereon. It was argued that the learned Civil Judge has acted erroneously and illegally in dismissing the execution petition on the ground that it was not maintainable, thereby failing to exercise the jurisdiction vested in the Executing Court under the provisions of the Code of Civil Procedure. Learned counsel further submitted that the learned Civil Judge overlooked the settled position of law that once arrears are due under a decree, interest on such arrears is a legally enforceable claim, and dismissal of the execution petition on technical grounds amounts to miscarriage of justice. The findings recorded by the learned Civil Judge are as follows:

“It is pertinent to note that vide his statement dated 23.12.2022 DH himself stated that only arrears since

01.02.2012 was remaining on part of JDs. Further, it is pertinent to note that perusal of the judgment dated 27.01.2012 reveals that the Hon'ble Court ordered that plaintiff is entitled to pay scale of 1200-2040 w.e.f. 01.04.1990 and entitled to regularize his service w.e.f. 01.04.1993 on the post of WPO-11. Further, defendants were directed to refix the pay of the plaintiff w.e.f. 04.04.1990 and to compute the arrears alongwith interest @ 9% p.a. within two months of passing the judgment. It is pertinent to note that in the abovementioned relief granted to plaintiff vide judgment dated 27.01.2012 there is no mention of payment of interest over any subsequent arrears i.e. arrears subsequent to the year 1993 to 2012. It is an admitted fact that DH has received the arrears alongwith interest for the year 1993-2012. Moreover, in earlier execution petition also DH in his statement dated 23.12.2022 himself stated that only arrears from 2012 were due on part of JDs. Moreover, after 2012 DH has been regularly receiving the basic pay from the JDs and thereafter, JDs made the payment of arrears from 2012 to 2022 to DH.”

4. To determine whether the petitioner-decree-holder was entitled to claim interest on arrears accruing from 01.02.2012 to 23.11.2022, it is necessary to examine the relief claimed in the original suit. In the plaint, the plaintiff sought a declaration that he was entitled to the pay scale of Rs. 1200–2040 w.e.f. 01.04.1990, regularization of his service w.e.f. 01.04.1993 in the post of WPO-11, and refixation of pay w.e.f. 01.04.1990. The decree was ultimately passed directing the defendants to refix the plaintiff's pay w.e.f. 01.04.1993 and to pay the arrears at the rate of 9% per annum within two months from the date of passing of the judgment. The judgment was delivered on 27.01.2012.

5. It is evident from the decree that interest was granted only on arrears that had accrued up to the date of the decree. There was no provision in

the decree for payment of interest on any arrears that were to accrue in the future after the decree. In an execution petition, the Executing Court is required to enforce the decree as it stands. Since the decree contains no stipulation for interest on arrears accruing post-27.01.2012, the learned Civil Judge rightly concluded that the decree did not entitle the decree-holder to interest on arrears from 2012 to 2022. Accordingly, it cannot be held that the learned Executing Court committed any illegality or material irregularity. The impugned order, therefore, does not warrant interference under the revisional jurisdiction of this Court, and the present civil revision petition is dismissed.

(VIRINDER AGGARWAL)
JUDGE

25.02.2026
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No