

State of Haryana Vs Shankar

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Dec. 15, 1988

Acts Referred: Civil Procedure Code, 1908 (CPC) " Order 21 Rule 2

Hon'ble Judges: J.V. Gupta, J

Bench: Single Bench

Advocate: V.K. Vashihst, for the Appellant; Ashok Kumar and Mr. S.L. Sardana, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

J.V. Gupta, J.

The petition is directed against the order of the executing Court dated 24.2.1987, whereby the objections filed by the State

of Haryana judgment debtor were dismissed.

2. The only point urged on behalf of the Petitioner is that since the amount of compensation was deposited vide a bank draft dated 28.4.1979, the

landowners were entitled to the interest upto that date and not thereafter. The executing Court considering the provisions of Order 21 Rule 1 and

also of Order 21 Rule 2 of the Code of Civil Procedure, came to the conclusion that since no notice of payment was given to the decree holder,

they were entitled to claim interest even thereafter.

3. The learned Counsel for the judgment-debtor submitted that since the amount of compensation was deposited, the judgment-debtor was not

liable to pay interest thereafter.

4. After hearing the learned Counsel for the parties, I do not find any merit in this petition. Order 21 Rule 1 provides the modes of paying the

money under decree If the money payable under a decree is paid by a deposit in the Court, whose duty is to execute the decree, the interest, if any

shall cease to run from the date of service of notice referred to in Sub-clause 2 of Rule 1 of Order 21 of the Code. Admittedly, no such notice

either through Court or directly to the decree-holder by registered post was ever sent by the judgment-debtor.

In these circumstances, I do not find any illegality in the impugned order as to be interfered with in the revisional jurisdiction. Consequently, the

petition fails and is dismissed with costs.