

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

LPAC No. 13/2004
CMP No. 59/2004, CMP No. 280/2003

Date of Decision: 22nd of Feb. 2011

State of J&K

Vs.

Zarda Begum & Ors.

Coram:-

Hon'ble: Mr. Justice Dr. AFTAB H. SAIKIA, CHIEF JUSTICE
Hon'ble: Mr. Justice MANSOOR AHMAD MIR, JUDGE

Appearing Counsel:-

For the Petitioner(s) : Mr. M.I.Qadri, Advocate General
with Mr. G.S.Thakur, Govt. Advocate.
For the Respondents : Mr. Pranav Kohli, Advocate.

Whether approved for reporting: YES/NO.

Per. Mansoor Ahmad Mir, J.

This Letters Patent Appeal is directed against the judgment and decree dated 10th of February' 2003 passed by the learned Single Judge in the first Civil Appeal titled as State of Jammu and Kashmir Vs. Zarda Begum and Ors, whereby the judgment and decree of the trial Court came to be upheld [for short '***impugned judgment***'].

Respondents-plaintiffs filed a civil suit for grant of compensation to the tune of Rs. 21,75,218/- on the grounds taken therein. Appellant-defendant resisted the suit, came to be decreed vide judgment and decree dated 20th of March' 2001. Appellant-

defendant was directed to pay an amount of Rs. 5,04,000/- as compensation with costs and interest @ 12 per cent per annum from the date of institution of the suit, was upheld by the Appellate Court-learned Single Judge vide impugned judgment.

Learned counsel for the appellant-defendant stated at bar that they have deposited an amount of Rs. 2.50 Lacs and same stands released in favour of the respondents-plaintiffs. Learned counsel for the respondents-plaintiffs also stated at bar that Rs. 2.50 Lacs came to be deposited on 28th of June' 2004 and stands also disbursed to the respondents-plaintiffs through cross Cheque and prayed that the appellant-defendant be directed to deposit rest of the amount.

After long drawn discussions and negotiations, learned counsel for the appellant-defendant stated at bar that they have no objection in case the matter is settled by reducing the interest from 12 per cent to 6 per cent per annum and it be made payable from the date of judgment and decree of the trial Court. His statement is taken on record. Mr. Kohli, learned counsel for the respondents-plaintiffs, stated that his clients have no objection to the said proposition. His statement is also taken on record.

We have considered the matter and are of the view that the settlement arrived at is lawful and in the interest of the parties. Accordingly, we are inclined to modify the impugned judgment by reducing the rate of interest from 12 per cent to 6 per cent, per annum, payable from 20th of March' 2001, i.e., the date of judgment and decree, till its final realization. It is made clear that 6 per cent interest is payable on amount of Rs. 5.04 Lacs from 20th of March' 2001 till 28th of June' 2004 and thereafter @ 6 per cent only on amount of Rs. 2.54 Lacs from 28th of June' 2004 till its realization, without costs.

As discussed hereinabove, the impugned judgment and decree is modified and appeal is disposed of.

(MANSOOR AHMAD MIR) (Dr. AFTAB H. SAIKIA)
Judge Chief Justice

Jammu:
22nd of Feb. 2010
Sanjay