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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ EX.F.A. 8/2016

NARENDER GUPTA Appellant
Through: Mr. S.N. Gupta, Advocate.

versus

LAXMI GUPTA Respondent
Through

CORAM:
HON'BLE MR. JUSTICE V.K. SHALI

ORDER
% **29.02.2016**

CM APPL.7449/2016 (exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

EX.F.A. 8/2016

1. This is an appeal filed by the appellant against the order dated 19.09.2015 by virtue of which the request of the appellant for grant of interest on the awarded amount @ 18% per annum has been dismissed.

2. I have heard Mr. S.N. Gupta, the learned counsel for the appellant and have perused the impugned order.

3. The contention of Mr. Gupta is that in similar circumstances, the appellant has been directed to pay interest @ 18% per annum in Execution Petition No.175/2013 by this Court vide order dated 20.01.2014 and

therefore, he also deserves to be granted interest on the awarded amount.

4. The order which has been passed on 20.01.2014 in Execution Petition No.175/2013 cannot be treated to be a precedent as it does not have the details as to under what circumstances such an order was passed. Therefore, reliance on the said order is totally misplaced. Moreover, before a judgment can be treated as a precedent for a particular proposition one must know the facts and the details thereof and the law which has been enunciated in the said case. In the case in hand there was admittedly an award in favour of the appellant for a sum of Rs.6.05 lacs. The aforesaid amount was received by the appellant way back on 24.05.2009. After having received the awarded amount almost 5 years back the appellant chose to file the execution petition claiming interest @ 18% per annum.

5. This request of the appellant was turned down on the ground that the appellant himself was responsible for delay in approaching the Court. The ground for filing the application seeking execution in a belated manner given by the appellant as the ground that the award was challenged by the respondent/JD.

6. I have carefully considered the submissions made by the learned counsel for the appellant. I feel that the appeal filed by the appellant is totally misconceived. This is on account of the fact that the appellant had been paid principal amount as early as on 24.05.2009 and the execution

petition was filed on 20.09.2014. It has been observed by the learned executing court that the delay in filing the execution petition was attributable to the appellant himself and therefore, he was not entitled to any interest much less interest @ 18% per annum.

7. I do not find any infirmity, illegality or any jurisdiction error in the impugned judgment. The appellant himself has been rightly held to be responsible for the delay in moving the machinery for the purpose of realization of the interest. If the appellant required interest it ought to have been given to him then he should have approached the Court within a reasonable time, which has not been done.

8. For the aforesaid reasons, I feel that there is no infirmity, illegality or jurisdiction error in the order passed by the learned executing court and accordingly the present appeal is dismissed.

V.K. SHALI, J.

FEBRUARY 29, 2016

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