

(2011) 08 DEL CK 0139

In the Delhi High Court

Case No : Regular First Appeal No. 344 of 2002

Shri Jeevan Kumar

APPELLANT

Vs

CITI Bank, N.A. and Another

RESPONDENT

Date of Decision : 25-08-2011

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 96

Citation : (2011) 08 DEL CK 0139

Hon'ble Judges : Valmiki J Mehta, J

Bench : Single Bench

Advocate : Prag Chawla, for the Appellant; A. Chakraborty, for the Respondent

Final Decision : Dismissed

Judgement

Valmiki J Mehta, J.—The challenge by means of this Regular First Appeal u/s 96 CPC is to the impugned judgment dated 19.2.2002, which while recording payment to the Appellant of the principal amount claimed of Rs. 3,22,900/-, however, declined the interest to the Appellant/Plaintiff.

2. Admittedly there is No. contract between the parties for payment of interest and the Appellant/Plaintiff failed to prove the issuance of notice under Interest Act, 1978 entitling it to any interest. This aspect has been dealt with by the Trial Court in para 11 of the judgment. I agree with the conclusion of the trial Court that the Appellant was entitled to payment of interest either if there was any contract between the parties, or the Appellant had issued notice under the Interest Act, 1978 and both of which aspects the Appellant failed to prove and therefore interest had been denied.

3. I therefore do not find any error in the impugned judgment declining interest to the Appellant/Plaintiff. The appeal is accordingly dismissed leaving the parties to bear their own costs. Trial Court record be sent back.