

**(1962) 10 KL CK 0022**  
**In the High Court Of Kerala**  
**Case No : A.S.No. 581 of 1958**

Sreenivasan

APPELLANT

Vs

Vasavan

RESPONDENT

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**Date of Decision :** 22-10-1962

**Acts Referred:**

**Citation :** (1963) KLJ 179

**Hon'ble Judges :** P. Govindan Nair, J

**Bench :** Single Bench

**Advocate :** S. John for G. Viswanatha Iyer, for the Appellant;

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## Judgement

Govindan Nair, J.—The only question in this appeal relates to the refusal of the court below to decree interest for the period up to the date of the decree on the amount found payable to the plaintiff-appellant from the respondent-defendant in the case. The suit was for a specific sum of money and this was decreed by the trial court. In appeal, however, the High Court set aside, the decree passed by the trial Court and passed a preliminary decree for accounts and remitted the case again to the trial Court. The trial Court thereafter fixed the amount due to the plaintiff, which incidentally is the same amount for which originally a decree was granted, and awarded interest on the amount so fixed viz., Rs. 2038-12-0, only from the date of the decree. The complaint is that the court below should have awarded interest at least from the date of suit. I think this complaint is justified. There is a decision of the Privy Council in 14 Moore's Indian Appeals 209 which supports the view that interest may be awarded even in a suit for accounts. This decision has been followed in AIR 1954 300 (Nagpur) relied on by counsel for the appellant. I therefore modify the decree of the lower Court by awarding interest on the sum of Rs. 2038-12-0 from the date of the plaint up to the date of the decree at 4 per cent per annum. In all other respects, I confirm the decree of the trial court.

The respondent has not contested this appeal. I therefore make no order as to costs.