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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA(OS) 68/2019 & CM APPL. 33508-33510/2019**
M/S HBR CHEMICALS PVT LTD Appellant
Through **Mr. Rakesh Kumar Khanna, Senior**
Advocate with Mr. K.R. Chawla, Ms.
Vaishali Gupta, Advocates.

versus

KAILASH NATH & ASSOCIATES & ORS Respondents
Through **None.**

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE ASHA MENON

ORDER
% 26.07.2019

CM APPL. 33508/2019 & CM APPL. 33510/2019 (exemptions)

Allowed, subject to all just exceptions.

RFA(OS) 68/2019 & CM APPL. 33508/2019 (condonation of delay of 55 days in filing the appeal.)

1. The limited grievance of the appellant/plaintiff against the impugned judgment dated 10.10.2018 passed by the learned Single Judge decreeing a suit for recovery instituted against the appellants/defendants is that while decreeing the suit in favour of the appellant/plaintiff and granting the principal amount of Rs.49,50,000/-, the interest component has been awarded only in two tranches, @8.5% per annum from 2005 to 2015 and @7.5% per annum from 2015 to 2018, though interest was claimed from the date of making payments to the respondents, i.e. 1995.
2. It is submitted by Mr. Rakesh Kumar Khanna, learned Senior

Advocate appearing for the appellant that interest to the tune of Rs.1,59,63,750/- ought to have been decreed in favour of the appellant in terms of prayer (B). Prayer (B) in the plaint refers to the averments made in para-20 of the plaint. Learned counsel seeks to clarify that reference to para-20 is a typographical error and reference has actually been made to para-22 of the plaint which reflects the calculation of the amounts payable by the respondent to the appellant including the interest components.

3. On perusing the averments made in the plaint and on enquiring from learned counsel for the appellant as to whether the Court fees on the amount claimed in prayer (B) was affixed on the plaint, it transpires that no suit valuation para has been incorporated in the plaint.

4. Learned counsel for the appellant states that he may be permitted to seek a clarification from his briefing counsel in this regard.

5. At request, list on 17.10.2019.

HIMA KOHLI, J

ASHA MENON, J

JULY 26, 2019/MK