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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ RFA 668/2018

MOHINDER SRIVASTAVA & ANR

..... Appellants

Through: Mr. J.C. Mahindro and Mr. Subham  
Agarwal, Advocates (Mobile No.  
9810138091).

versus

JAG MOHAN SHARMA & ORS

..... Respondents

**CORAM:**

**HON'BLE MR. JUSTICE VALMIKI J. MEHTA**

**ORDER**

% 17.08.2018

**C.M. Appl. No. 32841/2018 (for exemption)**

1. Exemption allowed, subject to all just exceptions.

C.M. stands disposed of.

**C.M. Appl. No. 32843/2018 (for delay)**

2. For the reasons stated in the application the delay of 28 days in re-filing the appeal is condoned, subject to just exceptions.

C.M. stands disposed of.

**RFA 668/2018 and C.M. Appl. No. 32842/2018 (for stay)**

3. Learned counsel for the appellants presses this appeal only for two aspects. The first aspect is that there could not have been a decree against the appellant no. 2/defendant no. 2 because

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admittedly as per the plaint the loan was given by the respondent no. 1/plaintiff only to appellant no. 1/defendant no. 1. Secondly, it is argued that the trial court has illegally granted interest at 24% per annum, and such a high rate of interest is usurious and illegal in view of the judgment of a Division Bench of this Court in the case of ***Pt. Munshi Ram Associates (P) LTD. Vs. Delhi Development Authority (DDA), (2010) 9 AD Delhi 313: 2010(3) Arb. Law Reporter 284.***

4. Limited to the aforesaid two aspects notices be issued to the respondents on filing of process fee, both in the ordinary method as well as by registered post AD, returnable on 3<sup>rd</sup> December, 2018.

**VALMIKI J. MEHTA, J**

**AUGUST 17, 2018**

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