

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.4472/2001

(From the judgement and order dated 14/11/2000 in AS 622/00
of The HIGH COURT OF KERALA AT ERNAKULAM)

JIMMY GEORGE

Petitioner (s)

VERSUS

KARUNA SUBRAMANIAN

Respondent (s)

(With prayer for interim relief)
(With office report)

Date : 23/11/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s)

Mr. M.T. George,Adv.

For Respondent (s)

Mr. Ajit Pudussery,Adv.

UPON hearing counsel the Court made the following
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Heard learned counsel for the parties.

The controversy in this petition relates to the rate of interest awarded by the trial court for the period prior to the institution of the suit i.e. 17.10.94 to 8.9.97. The interest has been awarded at the rate of 18% p.a. on the principal sum of Rs.2 lakhs. The appeal filed by the petitioner before the High Court seeking reduction of the interest was negatived. Hence this petition.

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It is not disputed before us that the observation made by the High Court in the order that the trial court has not awarded any interest for a period of three years on the advance amount of Rs.2 lakhs is incorrect. Indeed interest has been awarded by the trial court for the said period.

On consideration of the matter, we are of the view that the rate of interest of 18% p.a. in the circumstances of the case is excessive. It will be

just and proper to award interest on the amount at the rate of 15% p.a. It is ordered accordingly. The order under challenge is modified to this extent only.

The special leave petition is disposed of accordingly.

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(Usha Bhardwaj)
P.S. to Registrar

(S.Malkani)
Court Master