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C.A.No. 3309 OF 1996

ITEM No.102

Court No. 1

SECTION XIV

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

Civil Appeal No. 3309 of 1996

Vasudev.

Appellant (s)

VERSUS

D.D.A.

Respondent (s)

(with office report)

Date : 07/08/2003 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE S.B. SINHA  
  
HON'BLE MR. JUSTICE ARUN KUMAR

For Appellant (s)Dr. Shyamla Pappu, Sr. Adv.  
Mr. R Krishnamorthi, Adv.  
Mr. Sanjay Bansal, Adv.  
Mr. Ashok K Mahajan, Adv.

For Respondent (s)Mr. Vishnu B Saharya, Adv. for  
M/s. Saharya & Co., Adv.

UPON hearing counsel the Court made the following  
O R D E R

Heard learned senior counsel for the appellant for 25 minutes.

The appeal is dismissed.

There shall be no order as to costs.

(D.P. WALIA) (SURAJ PARKASH)  
COURT MASTER COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3309 OF 1996

Vasudev ..Appellant(s)

vs.

D.D.A. ..Respondent(s)

O R D E R

The appellant herein undertook certain contract and for that purpose an agreement was entered into between him and the respondent herein. The agreement provided for arbitration in the event of any dispute arising out of the contract. It appears that certain disputes arose between the parties and therefore, the matter was referred to an arbitrator. Before the arbitrator, the appellant herein claimed pendente lite interest, i.e. interest from the date of reference to the date of award, on the claims made by him. However, the appellant did not press the claim for grant of pendente lite interest before the arbitrator in view of a decision of this Court. On 31st October, 1990, the arbitrator gave an award but no pendente lite interest was awarded by the arbitrator. The award was filed before the learned Single Judge in the Delhi High Court on its original side to be made rule of the Court. The respondent filed objections regarding certain items and a belated reply was filed by the appellant to the objections filed by the respondent. The High Court modified the award disallowing claim No.12. The appellant thereafter filed an appeal against the order and judgment of the learned Single Judge claiming interest from the date of award till realisation.

Learned senior counsel appearing for the appellant contends that the appellant is entitled to pendente lite interest, i.e. from the date of reference to the date of award. We do not find any such prayer having been made in the Memo of Appeal. Moreover, no such objection was either pressed before the arbitrator or taken before the learned Single Judge. On this short ground, the appeal fails and is, accordingly, dismissed. There shall be no order as to costs.

.....CJI(V.N. KHARE)

.....J  
(S.B. SINHA)

.....J  
(ARUN KUMAR)

New Delhi;  
August 7, 2003.