

SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.1816-1817 of 2020
(Arising out of SLP (C) Nos.24697-24698/2017)

M/S KSG FARM AND NURSERY

APPELLANT(S)

VERSUS

M/S KSG EXOTICS

RESPONDENT(S)

WITH

CIVIL APPEAL NO.1818 of 2020
(Arising out of SLP(C) No. 24699/2017)

O R D E R

Leave granted.

The present appeals arise from Order dated 15.2.2017 by which while dismissing the respondent's appeal against the amount decreed in a money suit, interest has been denied.

Three suits were filed by the appellant. They all were decreed. Appeal was not preferred by the respondent against one only. In the appeal against the other two, the respondent was unsuccessful.

In pursuance of execution proceedings, the decretal amount has since been paid. The only question pertains now is for claim for interest made by the appellant at the rate of 18% in the suit.

The suit arises in the background of a commercial relationship between the parties. Interest has been denied on the ground that there was no clause in the contract to pay interest, the parties were related and that under Section 34 of CPC discretion was vested in the Court to grant or deny interest. We are not satisfied that the former two grounds are sufficient to deny interest in a commercial dispute. No reasons have been assigned to deny exercise of discretion under Section 34.

Having heard learned counsel for the parties, we are satisfied to order modification of order dated 15.2.2017 directing that the decretal amount shall carry interest at the rate of 7% per annum from the date of suit till the date of payment.

These appeals are accordingly disposed.

.....J.
[NAVIN SINHA]

.....J.
[KRISHNA MURARI]

NEW DELHI;
24th FEBRUARY, 2020

ITEM NO.42

COURT NO.14

SECTION IV-A

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 (C) Nos.24697-24698/2017
(CIVIL APPEAL Nos.1816-1817 of 2020)

(Arising out of impugned final judgment and order dated 15-02-2017 in RFA CROB No. 14/2016 15-02-2017 in RFA CROB No. 16/2016 passed by the High Court of Karnataka at Bengaluru)

M/S KSG FARM AND NURSERY

Petitioner(s)

VERSUS

M/S KSG EXOTICS

Respondent(s)

(IA No. 124947/2019 - APPROPRIATE ORDERS/DIRECTIONS)

WITH

SLP(C) No. 24699/2017 (IV-A)
(CIVIL APPEAL NO.1818 of 2020)

(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 179028/2019
IA No. 179028/2019 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 24-02-2020 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Raj Aditya S., Adv.
Mr. Ashok Bannidinni, Adv.
Mr. Purushottam Sharma Tripathi, AOR

For Respondent(s) Mr. Avinash Amarnath, Adv.
Ms. Archana Sahadeva, AOR

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

Leave granted.

These appeals are disposed.

Pending application(s), if any, shall stand disposed of.

(RASHMI DHYANI)
SENIOR PERSONAL ASSISTANT

(DIPTI KHURANA)
COURT MASTER

(Signed order is placed on the file)