

ITEM NO.2

COURT NO.8

SECTION XII-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) No(s). 13049/2021

(Arising out of impugned final judgment and order dated 31-12-2020 in CR No. 44/2018 passed the High Court Of Jammu & Kashmir And Ladakh At Srinagar)

MST. ZAIBA & ORS.

Petitioner(s)

VERSUS

GHULAM MOHAMMAD LONE

Respondent(s)

(IA No. 193984/2023 - STAY APPLICATION)

Date : 16-04-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Ms. Vibha Datta Makhija, Sr. Adv.
Mr. Raj Kishor Choudhary, AOR
Mr. Shakeel Ahmed, Adv.
Ms. Pratibha Singh, Adv.
Mr. Vikram Patralekh, Adv.
Mr. Nakul Chaudhary, Adv.
Mr. Anupam Bhati, Adv.
Mr. Vikramjeet Singh Ranga, Adv.

For Respondent(s) Mr. Abdul Ahad Rather, Adv.
Mr. Aamir Khan, Adv.
Mr. Muzaffar Rather, Adv.
Ms. Prerna Mahajan, Adv.
Mr. Sarvesh Singh Baghel, AOR

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

Ms. Vibha Datta Makhija, learned senior counsel appearing for the petitioners, upon instructions, states that the petitioners at the outset are ready to pay an amount of Rs.10,00,000/-

(Rupees ten lakhs only) within two weeks from today and for the balance amount, which may be determined by this Court, reasonable time may be allowed.

On the other hand, learned counsel for the respondent submitted that the petitioners have been litigating for last 18 years and thrice the matter has come upto this Court at the instance of the petitioners and they have been continuously losing before the Trial Court, the Executing Court, the High Court and this Court. As such, reasonable amount of interest should be awarded so as to suitably compensate the respondent.

Considering the facts and circumstances of the case, we feel that 6% simple interest on the decretal amount from the date of decree would be a reasonable rate of interest to be awarded. The interest amount would come to about Rs.22,00,000/- (Rupees twenty two lakhs only).

Accordingly, we quantify the total figure at Rs.60,00,000/- (Rupees sixty lakhs only) to be paid by the petitioners to the respondent within a period of four months as prayed by the petitioners. If the amount is paid within a period of four months from today, the total amount payable would

be only Rs.60,00,000/- (Rupees sixty lakhs only), however, if there is a default, then further suitable amount may be awarded as compensation.

In view of the above, we direct that this matter be now listed on 03.05.2024.

By the said date, the first installment of Rs.10,00,000/- (Rupees ten lakhs only) be paid to the respondent on the same day by way of a bank draft drawn in favour of the respondent or transfer the said amount in the account of the respondent before the said date and file proof of such payment.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)
COURT MASTER