

## **Sudhakar Rao And Ors. vs Radha Krishna Das on 17 February, 1953**

**Equivalent citations: AIR1953ALL544, AIR 1953 ALLAHABAD 544**

### **JUDGMENT**

Agarwala, J.

1. This is an appeal by the landlord-applicants arising out of Encumbered Estates proceedings. The learned Special Judge passed a decree for Rs. 39,840/- with pendente lite and future interest at 3 per cent, per annum in favour of the respondent-creditor. This amount of Rs. 39,840/- consisted of Rs. 30,000/- as principal and the rest as interest. The only contention raised before us in this appeal is that the learned Special Judge was not justified in decreeing pendente lite and future interest on the total amount of Rs. 39,840/- but that he should have allowed interest on the principal amount of Rs. 30,000/- only. This contention has no force. Section 14 (7) clearly authorises the Special Judge to pass a decree for the amount found due by him with pendente lite and future interest. The amount that the learned Special Judge is required to find is the amount due, i.e. principal and interest, up to the date of the application, vide Clause 2 of Section 14, U. P. Encumbered Estates Act. Interest is clearly awardable on the total amount which is found due to a creditor from the landlord-applicants up to the date of the application made by the landlord-applicants. This amount obviously includes both principal and interest.

2. There is no force in this appeal and it is dismissed with costs.