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Rita Kishore and ors Vs. Delhi Development Authority

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Court : Delhi

Decided On : Aug-12-2011

Judge : V.K. Jain, J.

Appeal No. : CS(OS) 417/2005

Appellant : Rita Kishore and ors

Respondent : Delhi Development Authority

Advocate for Def. : Mr. B.P.Aggarwal, Adv.

Advocate for Pet/Ap. : Ms. Jyoti Singh; Mr. J.L.Grover; Ms. Puja Anand, Advs.

Judgement :

1. This is a suit for recovery of Rs.42 lakh as damages and compensation. Late Sh. Giri Raj Kishore, husband of plaintiff No.1 and father of plaintiffs No.2 and 3, was an employee of defendant DDA, working as Assistant Field Investigator and he died in a fatal accident while on duty, in DDA office at Vikas Sadan, New Delhi, when he was crushed by a lift. It is alleged that the defendant had provided defective and ill-maintained lift for its employees, in violation of safety rules, which resulted in the aforesaid fatal accident claiming the life of Sh. Giri Raj Kishore. At the time of his death Sh. Giri Raj Kishore was about 37 years old and had another 21 years to retire. It is alleged that he was drawing a salary of Rs.4000/- per month at that time. The plaintiffs have claimed Rs.37 lakh towards loss of salary benefits, economic loss, retirement benefits, etc. and a sum of Rs.5 lakh has been claimed

as damages for installing unsafe lifts which resulted into the fatal accident, causing corporeal loss, mental torture and agony to the plaintiffs.

2. The defendant has contested the suit and has claimed that since it has already paid leave encashment, gratuity, the amount lying in GIS and benevolent fund and is also paying family pension, the plaintiffs are not entitled to any amount. It is also alleged that the accident occurred due to failure of the machine and not on account of any negligence of any official of DDA. On merits it has been admitted that late Sh. Giri Raj Kishore was working as Assistant Field Investigating Officer and was survived by the plaintiffs. It is also admitted that the accident occurred on 21st April 1994 when lift No.1 broke down and took an upward jump when Sh. Giri Raj Kishore put his foot outward, as a result of which he got stuck and was seriously injured. He was taken to All India Institute of Medical Science, but could not be saved. The accident, according to the defendant, occurred due to technical defect in the lift. It is further alleged that an enquiry was setup by the defendant wherein two officials of DDA namely Om Vir Singh, Lift Operator and B.C. Joshi, Mechanic, were blamed for allowing the passengers in the lift which otherwise was not found functioning satisfactorily for last ten days. The chargesheet was accordingly issued to Sh. Om Vir Singh, who was suspended on 21st April 1994. However, consequent to his acquittal by the Court his suspension was reviewed and he was reinstated vide order dated 7th June 1996. It is, however, not disputed that Sh. Giri Raj Kishore was about 37 years old at the time he died and had he remained alive, he would have continued to serve DDA for 21 more years. It is also alleged that DDA had offered allotment of a flat to the plaintiff for a consideration of Rs.4,01,400/-, which was less than half of the prevailing market price and this allotment was also a compensation since late Sh. Giri Raj Kishore was not registered with DDA for allotment of a flat.

3. The following issues were framed on the pleadings of the parties on 4th March 1998:-

(i) Whether the death of Giri Raj Kishore took place due to improper maintenance of the lift by the defendant?

(ii) If so, what amount of compensation the plaintiffs are entitled to recover from the defendant?

(iii) Whether sale of flat whose market value was more than double the amount of sale consideration to plaintiff No.1 was by way of compensation as alleged?

(iv) Whether Om Vir Singh, lift operator and B.C. Joshi, mechanic alone were responsible for the death of Giri Raj Kishore?

(v) Whether the accident was beyond the control of the defendant?

(vi) Relief.

ISSUES No.(i), (iv) & (v)

4. As noted earlier, the defendant itself has alleged in the written statement that the enquiry ordered by it had revealed that its employees Sh. Om Vir Singh, Lift Operator and Sh. B.C. Joshi, Mechanic, were to be blamed for allowing the passengers to board the lift which was not found functioning satisfactorily for last ten days. Thus, the written statement contains an admission of the defendant that the lift boarded by late Sh. Giri Raj Kishore dated 21st April 1994 had developed some defect and was not functioning satisfactorily at the time it was allowed to be used by the employee of DDA and the Lift Operator as well as the Mechanic were to be blamed for this lapse on their part. This is not the case of DDA in the written statement that the lift which was otherwise functioning satisfactorily and properly broke down and took an upward jump all of a sudden. The written statement indicates that the defect in the functioning of the lift was very much in the knowledge of the employees of DDA and had persisted for about ten days before this fatal accident took place on 21st April 1994.

5. The plaintiffs have examined plaintiff No.1 Smt. Rita Kishore whereas the defendant has examined two witnesses namely Sh. Om Vir Singh and Smt. Asma Manzar.

6. In his affidavit by way of evidence Sh. Om Vir Singh has stated that there are four lifts in DDA building, which have been given serial No.1 to 4. On 21 st April

1994 at about 8:30 AM, he went to lift No.1, opened its door and took out the keys of lift No.2. He then made lift No.2 operational by switching on its mains from the machine room on the 7th floor and brought that lift to the ground floor. Since that lift was not running smoothly, he brought it back to the 7th floor and locked it. He then made lift No.3 operational. That lift was also found giving jumps so he brought it back to the 7th floor and locked it. He then opened lift No.1 and made it operational. The lift was fully functional and he made several runs in it till 9:30 AM. Thereafter, he gave the key of lift No.1 to Shiv Dutt, Lift Operator and went to the room of Lift Supervisor. Sh. Ram Prakash, Supervisor asked him to operate the lift from 10:30 AM. He took the key and came to lift No.1 in the B Block, where he learnt that the lift had stopped on the 7 th floor. He went to the 7th floor through stairs and found the door of lift No.1 open and the emergency switch was found on. The lift, however, did not start despite his trying to make it functional by using the key and making it auto- attendant. He heard the voice of the mechanic from the machine room, asking him not to start the lift. After a couple of minutes, the mechanic asked him to operate the lift. He then brought the empty lift to the ground floor and again made a trial run back to the 7th floor. The lift was found working satisfactorily. Several passengers got into the lift at the ground floor to go to the upper floor. The lift stopped at the second floor. When the door opened, a passenger started stepping out of the lift. However, before the passenger could get out completely, the lift started moving and gave a jump. He immediately pressed the emergency switch as well as the emergency call bell. However, the passenger had got stuck on account of the jump taken by the lift and despite efforts, it could not be brought back into the cage of the lift. Thereafter, the lift was brought down from the machine room and other employees helped the passenger, who was trapped inside the lift. He has stated that there was no negligence and he had satisfactorily performed his duties as a Lift Operator.

7. In her affidavit by way of evidence, Ms. Asma Manzar, Director (P) of DDA has stated that since 1991-92, the contract for service and maintenance of lift was given to M/s. Brisk Services Limited and that company was responsible for the maintenance and upkeep of the lifts. She has further stated that this accident occurred when Sh. Giri Raj Kishore was stepping out of the lift on the second floor. According to her, the accident was completely unforeseen and beyond the control

of DDA. She has stated that the Date of Birth of Sh. Giri Raj Kishore was 30th September 1956 and at the time of his death he was about 37 years and 7 months old, receiving salary of Rs.3774/- per month and he would have retired on 30th September 2016.

8. In para 2 of its written statement on merits, the defendant has specifically stated: "the accident occurred due to technical defect in the lift". Thus this is defendant's own case in the written statement that a technical defect in the lift was the cause of the accident in which Mr. Giri Raj Kishore lost his life, while on duty in DDA office at Vikas Sadan, New Delhi. In para 4 of the written statement on merits, it is stated that the Inquiry Officer, who conducted the enquiry into this extent recommended: "both Mr. Om Vir Singh and Mr. B.C. Joshi deserve to be blamed for allowing the passengers in the lift, which otherwise was not found functioning satisfactorily for the last ten days". Hence, it cannot be disputed that the lift which Mr. Giri Raj Kishore boarded on that date was not giving satisfactory performance for ten days prior to this incident and it was a defect in the lift which resulted in this incident. Even otherwise, there is no way an incident of this nature could have happened, had the lift been in order, and free from any defect on 21st April 1994. There is no likelihood of a lift which is otherwise free from any technical defect, all of a sudden taking a jump and start moving upward. This can happen only because of a technical snag in the lift. The plaintiff before this Court was not a witness to the incident in which Mr. Giri Raj Kishore lost his life. They are not in a position to tell the Court what exactly led to the lift taking jump and start moving up all of a sudden. It is only the owner of the lift, who can tell the Court as to how this incident took place. The well-known maxim "res ipsa loquitur" can be safely applied in an accident of this nature where the cause of accident is primarily within the knowledge of the defendant. This maxim is stated as under in its classic form:-

> Where the thing is to shown to be under the management of the defendant or his servants, and the accident is such as in the ordinary course of things does not happen if those who have the management use proper case, it affords reasonable evidence, in the absence of explanation by the defendants, that the accident arose from want of care.

With respect to the aforesaid maxim Supreme Court in Shyam Sunder and Ors. vs. The State of Rajasthan AIR 1974 SC 890 inter alia observed as under:-

The maxim is only a convenient label to apply to a set of circumstances in which the plaintiff proves a case so as to call for a rebuttal from the defendant, without having to allege and prove any specific act or omission on the part of the defendant. The principal function of the maxim is to prevent injustice which would result if a plaintiff were invariably compelled to prove the precise cause of the accident and the defendant responsible for it, even when the facts bearing on the matter are at the outset unknown to him and often within the knowledge of the defendant....

The maxim is based on common sense and its purpose is to do justice when the facts bearing on the causation and on the care exercised by defendant are at the outset unknown to the plaintiff and are or ought to be within the knowledge of the defendant (see Barkway v. S. Wales Transport [1950]1 AER 392)....

The plaintiff merely proves a result, not any particular act or omission producing the result. If the result in the circumstances, in which he proves it, makes it more probable than not that it was caused by the negligence of the defendant, the doctrine of res ipsa loquitur is said to apply, and the plaintiff will be entitled to succeed unless the defendant by evidence rebuts that probability....

Over the years, the general trend in the application of the maxim has undoubtedly become more sympathetic to plaintiffs. Concomitant with the rise in safety standards and expanding knowledge of the mechanical devices of our age less hesitation is felt in concluding that the miscarriage of a familiar activity is so unusual that it is most probably the result of some fault on the part of whoever is responsible for its safe performance (see John, G. Fleming, The Law of Torts, 4 th ed., p.260). As noted by Supreme Court in Shyam Sunder (Supra), the mere fact that the cause of the accident is unknown does not prevent the plaintiff from recovering damages, though as far as the case before

this Court is concerned, the defendant has itself has stated in the written statement that it was a technical defect in the lift which caused this accident.

In the case before Supreme Court, the engine of a truck caught fire on the way and the deceased, in order to prevent himself, jumped out of the truck and died. It was a driver of the defendant who was driving at that time. Holding the defendant liable to pay damages, Supreme Court held as under:-

It is clear that the driver was in management of the vehicle and the accident is such that it does not happen in the ordinary course of things. There is no evidence as to how the truck caught fire.

There was no explanation by the defendant about it. It was a matter within the exclusive knowledge of the defendant. It was not possible for the plaintiff to give any evidence as to the cause of the accident. In these circumstances, we think that the maxim res ipsa loquitur is attracted.

9. In K.L. Juneja vs. M/s. Bawa Dan Singh and Sons. 1997 I AD (DELHI) 317, the plaintiff, who had visited the building on the invitation of an employee of defendant No.1, fell into the basement of a building through an opening which had not been fenced, as a result he received multiple fractures. This Court was of the view that as the building was owned by defendants No.1 to 3 it were they who were responsible for the safety of the visitors and were obliged to keep the dangerous openings closed adequately so that there was no chance of a mishap. Applying the principle of res ipsa loquitur the Court was of the view that it was not for the plaintiff to prove that defendants were negligent or lacked foresight. On the contrary it was for the defendants to prove that they were not negligent and had taken every precaution to safety and precaution of all invitees and visitors.

10. In Klaus Mittelbachert & Ors. vs. The East India Hotels Ltd. & Ors. 65 (1997) DLT 428, the plaintiff visited the swimming pool of a five star hotel, hit his head on the bottom of the swimming pool and sustained serious injuries. He sought damages amounting to Rs.50 lakh from the defendant. It was found by the Court that the swimming pool was defective in design. The Court was of view that any latent defect in the structure or service, which is hazardous to guests, would attract

strict liability to compensate for consequences flowing from its breach of duty to take care and a guest in the hotel enjoys an implied assurance from the hotel that not only the building structure but the services offered by it were safe and immune from any danger inherent or otherwise. Applying the doctrine of res ipsa loquitur the Court was of the view that where the thing which causes the accident is shown to be under the management of the defendant or his employees and the accident is such as in the ordinary course of things does not happen if those who have the management use proper case, it affords reasonable evidence, in the absence of explanation from the defendant, that the accident arose for want of care. The Court was of the view that three conditions must be satisfied to attract the applicability of the doctrine:

(i) the accident must be of a kind which does not ordinarily occur in the absence of someone's negligence;

(ii) it must be caused by an agency or instrumentality within the exclusive control of the defendant;

(iii) it must not have been due to any voluntary action or contribution on the part of the plaintiff.

11. In K.V. Narasappa vs. Kamalamm and Ors. AIR 1968 Kant 345, the building contractor undertook to construct a receiving station for the State Government. During casting of beam, one beam came down, pulling down along with it one of the stone pillars on which it was intended to be rested. Three workmen, who were employed by the defendant and working in the casting were killed. The husband of plaintiff No.1, who was also father of plaintiffs No.2 and 3 in that case was amongst those who lost their life. The suit was filed against the contractor as well as against Mysore State Electricity Board to which the Department of Electricity was transferred by the Government. Though the plaintiff alleged that the beam had come down on account of defective material and carelessness in the construction of the beam, the defendant maintained that every reasonable precaution had been taken for construction of the beam. The State Electricity Board also contended that contractor alone was responsible to pay compensation to the plaintiffs. The contractor claimed that accident was attributable to the sudden coming down of

the lintel beam during concreting causing the pulling down of the stone pillar. Applying the maxim res ipsa loquitur, the Court felt that in a case of this nature accident speaks for itself and that the beam would not have come down had it been properly constructed and had there been no negligence. The Court was of the view that collapsing of the beam raises a presumption of negligence which should have been dispelled by the person who was under a duty to counteract the inference emanating from the nature of the accident. The contractor also claimed that the liability to pay damages was exclusively of the Board since he was not an independent contractor and was to work under the instructions of the Superintendent/Chief Electrical Engineer or his authorized representative and the beam was constructed in obedience to their instructions. It was held that both, the contractor as well as the Board, were liable to pay compensation to the plaintiffs. Applying the ratio in the above referred cases, the defendant is liable to pay damages for the accident, which resulted from a lift owned by it.

12. It has come in evidence of the defendant that it had outsourced the service and maintenance of lift to M/s Brisk Services Limited which was responsible for their upkeep and maintenance. However, there is absolutely no pleading to this effect. No such averment has been made in the Written Statement. Hence the evidence being beyond the pleadings needs to be excluded from consideration. Even if I proceed on the assumption that the maintenance and upkeep of the life had been outsourced to another agency, being the owner of the lifts, the defendant would still be liable to an outsider including an employee of the defendant, it is immaterial whether the accident occurred due to negligence of the defendant or due to negligence of the agency to which the maintenance and upkeep of the lift had been outsourced. This is a matter between defendant and the agency stated to have been employed by it for upkeep and maintenance of the lifts. Since the accident occurred on account of some defect in the lift owned by the defendant, it would be liable to pay compensation even if it had outsourced the maintenance of the lifts to another agency. If the contract between the defendant and the agency to which upkeep and maintenance of the lifts was outsourced by it so provides the defendant can claim reimbursement from that agency for the damages it is made to pay to the plaintiffs, but, it cannot escape its liability qua the defendants on the ground that maintenance and upkeep of the lifts had been outsourced by it.

13. It has come in the deposition of Shri Om Vir Singh, who claims to be operating the lift in which this incident took place, that though lift No. 1 in which this incident took place had stopped on the 7th floor, its doors did not open and the lift did not start despite his trying to make it functional by using the key and making it auto-attendant the mechanic had later asked him to operate the lift and at that time the lift was found working satisfactorily. However no mechanic has been produced by the defendant to prove that he had set right the defect which was found in lift No. 1 on that day and thereafter the lift was functioning properly. In fact even the name of the mechanic has not been given by the witness. It has come in the deposition of this witness that the mechanic from the service contractor had come to attend to the problem in lifts No. 2 & 3 and not to attend to the problem in lift No. 1. As noted earlier, the defendant itself has stated in the Written Statement that the inquiry had revealed that this lift was not functioning properly for the last 10 days. Thus, no complaint seems to have been lodged by the employees of the defendant for as many as 10 days, for repair of lift No. 1, as is evident from the fact that the mechanic on that day had come to attend to lifts No. 2 & 3 and not to attend lift No.1.

14. In my view, the deposition of Mr. Om Vir Singh to the effect that the lift No.1 was checked by a mechanic on that day and thereafter it was found functioning properly also needs to be excluded from consideration, being beyond the pleadings of the defendant. Nowhere has it been alleged in the Written Statement that lift No.1 was checked by a mechanic on that day the defect found in the lift was repaired and thereafter the lift was found functioning properly. In fact the report of the Inquiry, which the defendant itself had disclosed in para 04 of the Written Statement on merits, clearly indicates that the lift was not functioning properly and that is why the Inquiry Officer had recommended disciplinary action against the lift operator Sh. Om Vir Singh and Sh. B.C. Joshi, Mechanic, for allowing visitors in the lift, which otherwise was not found functioning satisfactorily. In any case, not much reliance can be placed on the testimony of Shri Om Vir Singh since being the liftman on duty he had a vested interest to say that the lift was checked and was found functioning properly before it was alleged to be boarded by the visitor. Admittedly Mr. Om Vir Singh was prosecuted, though he came to be acquitted since no criminal negligence on his part could be proved by

the prosecution, but, he knew it very well that if he admits that he had allowed the visitors to board a lift which was not functioning satisfactorily, he would be in difficulty and may be held responsible for the accident in which Mr. Giri Raj Kishore lost his life. Since the lift was not functioning properly, the lift operator, who was an employee of DDA should not have allowed the visitors to board it till the time it was duly repaired and certified to be functioning properly and satisfactorily. Being not only the owner of the lift, but also the employer of the lift operator, the defendant is vicariously liable for the negligence which resulted in causing of the accident in which Mr. Giri Raj Kishore lost his life on that day.

For the reasons given in the preceding paragraphs I have no hesitation in holding that the accident in which Mr. Giri Raj Kishore lost his life occurred due to improper maintenance of the lift and the defendant cannot escape its liability to pay maintenance to the plaintiffs. ISSUE No.(iii)

15. It has come in evidence that a flat was offered by defendant to plaintiff No.1 at less than the prevailing market price. According to Ms. Asma Manzar, Director (P) of DDA the market value of the flat would be Rs.10.75 lakh whereas the defendant sought to charge only Rs.766700/- from plaintiff No.1 for the flat offered to her. This is not the case of the defendant that it had offered the flat to plaintiff No.1 at less than its normal allotment price. There is no independent evidence to prove that the flat offered by the defendant to plaintiff No.1 at a market value higher than the price at which the flat was offered to her by DDA. No property dealer or values has been produced to show what precisely was the prevailing market value of the aforesaid flat at that time it was offered to plaintiff No.1 was. The flat was not offered free of cost. In such a case, if plaintiff No.1 could not avail the offer made by DDA on account of her inability to pay the price which DDA was demanding for the aforesaid flat, that would not absolve the defendant of its liability nor would it in any manner take away the legal right of the plaintiff to claim compensation for the accident which occurred due to negligence of the defendant. The issue is decided accordingly.

ISSUES No. ii & iv

16. The compensation in such cases needs to be based on the reasonable expectation of pecuniary benefit or benefit reducible to money value. In order to ascertain the quantum of damages/compensation in such cases, the Court needs to a) first estimate what was the deceased person's expectation of life, if he had not been killed when he was; and b) what sums during sums during those years he would have probably applied to the support his dependents. The actual extent of pecuniary loss to the aggrieved party is not capable of an accurate ascertainment but must necessarily by an estimate or even partly a conjecture. There could be no exact uniform rule for measuring the value of human life and therefore quantum of damages cannot be calculated with mathematical precision. It must necessarily depend upon the particular facts and circumstances of each case.

17. It was admitted during the course of arguments that at the time of death, late Shri Giri Raj Kishore was drawing a gross salary of Rs.4764/- pm. It is also an admitted case of the parties that at the time of his death Shri Giri Raj Kishore was about 37 years old and, therefore had he remained alive, he would have continued in the service of DDA for about 23 more years. The annual gross salary of late Shri Giri Raj Kishore at the time of his death comes to Rs.57168/-; if this figure is multiplied by 23 [the number of years late Shri Giri Raj Kishore would have served with DDA had he remained alive], it comes to Rs.1314864/-. In Sarla Verma & Ors. v. Delhi Transport Corporation & Anr. 2009(6)SCC 121, Supreme Court was of the view that as a rule of thumb an addition of 50% of actual salary to the actual salary income of the deceased towards future prospects should be adopted, where the deceased had a permanent job and was below 40 years. Since late Shri Giri Raj Kishore admittedly was in a permanent job in DDA and less than 40 years old at the time of death, an addition of 50% of his gross salary needs to be made to the aforesaid sum of Rs.1314864/-. There is no evidence before the Court that he was paying any income tax on the salary which he was drawing from DDA. Addition of 50% of the amount of Rs. 1314864/- comes to Rs.657432/-. The gross salary of late Shri Giri Raj Kishore for 23 years along with 50% addition on it for future prospects comes to Rs.1972296/-. In the case of Sarla Verma (supra) Supreme Court deemed it appropriate to standardize the deductions to be made under the head of personal and living expenses of the deceased and noted that the practice

was to deduct 1/3rd of the income if the deceased was married and 1/2 of the income if he was a bachelor. In Kerala SRTC v. Susamma Thomas(1994) 2 SCC 176, Supreme Court held that in the absence of evidence, it is not unusual to deduct 1/3rd of the gross income towards the personal living expenses of the deceased and treat the balance of the amount likely to have been spent on the members of the family/dependents. After considering earlier decisions on the subject including its decision in Susamma Thomas (supra) and UPSRTC v. Trilok Chandra (1996) 4 SCC 362 Supreme Court in case of Sarla Verma (supra) was of the view that where the deceased was married, the deduction towards personal and living expenses towards the deceased should be 1/3rd where the number of dependents family is 2-3 and 1/4th where the dependent family members is 4-6 and 1/5th if the number of dependent family members exceeds 6. In the case before this Court the number of dependents of late Shri Giri Raj Kishore being 3, 1/3rd of the gross salary needs to be deducted to ascertain the quantum of compensation to be paid to the plaintiffs.

18. In the cases governed by Motor Vehicles Act, 1988 the courts have been adopting various multipliers in view of the statutory provisions contained in the Act. But, while quantifying the amount of compensation in a case of death by negligence, which is not governed by the provisions of Motor Vehicles Act, 1988, the Courts need not necessarily apply the multiplier which they have been adopting in the case of vehicular accident, compensation for which is regulated by the provisions of the aforesaid Act. I, therefore refrain from adopting the multiplier specified in Motor Vehicles Act and quantify the amount of compensation on the basis of number of years for which late Shri Giri Raj Kishore would have continued in the service in DDA had he remained alive. In fact, the age of 60 years, which is the retirement age in DDA, can also be safely taken as the minimum age, up to which late Shri Giri Raj Kishore was likely to live had he not prematurely died due to this accident. After deducting 1/3rd gross amount of Rs.1972296/- towards personal expenses of late Shri Giri Raj Kishore, the balance amount comes to Rs.1314864/-. The plaintiffs therefore, are held entitled to the aforesaid amount of Rs.1314864/- as compensation from the defendant. A sum of Rs.5 lakh has already been paid to the plaintiff as interim compensation in terms of the order passed by this Court on 1st September, 2000. The balance amount payable to the

plaintiffs thus comes to Rs.814864/-. The issues are decided accordingly. Since the order for payment of interim compensation of Rs.5 lakh came to be passed only on 1st September, 2000, I am of the view that the defendant should also pay interest on that amount from the date of filing of the suit till the date on which order for payment of interim compensation was passed. I consider that interest @ 9% pa be paid on the amount of Rs.5 lakh from the date of filing of the suit till 1st September, 2000.

ORDER

19. In view of my finding on the issues, a decree for recovery of Rs.814864/-with proportionate costs, interest on the amount of Rs.814864/- @ 9% p.a. from the date of the filing of the suit till the date of decree, interest on Rs.5 lakh from the date of filing of the suit till 1 st September, 2000 and interest @ 6% p.a. on the principal sum of Rs.814864/- from the date of decree till its payment, is hereby passed in favour of the plaintiffs and against the defendant. If, however, the entire amount due in terms of this judgment is paid within one month, the defendant will not be liable to pay any interest for the period subsequent to the passing of decree.

Decree sheet be drawn accordingly.

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