

GAHC040012832016



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : CRP/28/2016

KUMAR RATAN
ADO , UD and HOUSING DEPTT. MOWB-II, ITANAGAR, PO/PS ITANAGAR,
DISTRICT PAPUM PARE, AP . CONTACT NO. 8415080396

VERSUS

SHRI NIKTAR TASSANG
R/O ANYA VILLAGE, NIRJULI PO/PS NIRJULI, DISTRICT PAPUM PARE, AP.

Advocate for the Petitioner : Mr.C Gongo

Advocate for the Respondent : Neelam Taje

BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 06.11.2023

Heard Mr. L. Perme, learned counsel for the petitioner. Also heard Mr. N. Taje, learned counsel for the respondent.

2. This is a petition under Section 115 *read with* Article 227 of the

Constitution of India against the order dated 23.08.2016, passed by the learned Chief Judicial Magistrate, Yupia, in Money Execution No. 13/2016, in connection with Money Suit No. 30/2015, whereby, the learned Court below ordered for civil imprisonment of 1 (one) month against the present petitioner for default of payment of *ex parte* decretal amount of Rs. 8,68,800/- (Rupees eight lakh sixty eight thousand eight hundred) only.

3. It is submitted by the learned counsel for the petitioner, Mr. Perme, that on being aggrieved and dissatisfied with the order passed by the learned Chief Judicial Magistrate, Yupia, in Money Execution No. 13/2016, the present petition has been filed by the petitioner against the said order. However, during the pendency of this case, both the parties have arrived at an amicable settlement and presently the respondent is ready to accept Rs. 10,000/- per month, which may be attached from the salary of the present petitioner. On the earlier occasion also, the petitioner was ready to pay an amount of Rs. 10,000/- per month from his salary, but that was not accepted by the respondent and the Court also passed the order rejecting the prayer of the judgment debtor/petitioner and forwarded him for civil imprisonment of 1 (one) month. The petitioner is still ready to pay Rs. 10,000/- per month from his salary which may be attached towards the payment of decretal amount.

4. In this context, Mr. N. Taje, learned counsel for the respondent, has submitted that the case was decreed in the year 2016, but, till now, they have not received a single penny from the petitioner side and hence, after considering all those aspects, both the parties have entered into an amicable settlement and presently, the respondent is ready to accept Rs. 10,000/- per

month to satisfy the decretal amount of Rs. 8,68,800/-. Accordingly, he furnished the Account Number of the respondent- Shri Niktar Tasang, S/o Lt. Niktar Tadi, of SBI, Nirjuli Branch, i.e. Account No. 31761448923, IFSC Code- SBIN0009535, and prays for passing an appropriate direction to the learned Court below for attaching Rs. 10,000/- per month from the salary of the petitioner to satisfy the decretal amount of Rs. 8,68,800/-.

5. After considering the submissions made by the learned counsels for both sides, without going into the merit of the case and only considering the compromise arrived at between the parties, I hereby direct that the LCR be sent back to the learned Court below with a direction to pass necessary order for attachment of Rs. 10,000/- from the salary of the petitioner- Kumar Ratan and also to pass necessary order for depositing the same in the Account Number provided by the respondent- Shri Niktar Tassang. Both the parties are accordingly directed to appear before the learned Court below on 14.11.2023.

6. With the above observation, the present petition stands disposed of.

JUDGE

Comparing Assistant