

Party Name : MONORANJAN BARMAN & ORS Vs THE STATE OF TRIPURA & ORS

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. D. C. Roy, learned counsel appearing for the petitioners as well as Mr. T. D. Majumder, learned counsel appearing for the respondent Nos.2 and 3.

By the order dated 27.11.2014 delivered in W. P.(C) No.461 of 2004, it has been observed as under:

“In view of the consensus so communicated it is directed that the petitioners shall deposit a sum of Rs.1,20,000 (rupees one lakh twenty thousand) within a period of 3 (three) months from today. Payment as such, if made within the stipulated period shall satisfy the decree dated 28.06.2004 and the respondent Nos.2 and 3, in that event shall not insist for any further amount in terms of the decree. But the amount so settled between the parties if not paid within the stipulated period, the Bank authority shall be at liberty to execute the decree in question. This judgment and order in that event will lose all its effects whatsoever.”

The said order was passed in presence of the respondent No.5 who created the mortgage but without having the mortgage released from the bank, the respondent No.5 transferred the title of various parts of the land to the petitioners and thereby created the third party interest in the mortgage.

Mr. D. C. Roy, learned counsel for the petitioners has submitted that the petitioners are ready to deposit the money but for that purpose some time is required and accordingly he prays that a month's time from today be granted to the petitioners.

Mr. T. D. Majumder, learned counsel for the bank respondents has not opposed that prayer on condition that no further time would be permitted to the petitioners inasmuch as the bank has accepted the settlement on payment of a lump-sum amount on downsizing their entitlement to recover.

Accordingly, a month's time is provided to the petitioners from today. But it is made clear that under no circumstances further time would be extended. The other prayers those have been made in the petition cannot be allowed. By the order dated 27.11.2014 as reproduced the petitioners' respective status has been acknowledged.

Accordingly, this petition stands disposed of.