

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.454 of 2018

1. The State Of Bihar through Collector, Bhojpur, Arrah.
2. The Commandant General, Bihar Home Guard, Chhajubagh, Patna.
3. The District Commandant, Bihar Home Guard, Mohalla- Pakari Arrah, District- Bhojpur.

... .. Petitioner/s

Versus

1. Rishabh Chandra Jain, Son of Late Dhasam Chand Jain,
2. Kirti Jain, Wife of Rishabh Chandra Jain, Both resident of Mohalla- Jail Road, Arrah, P.O. & P.S.- Arrah, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Shankar Sharan Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 14-12-2018 Heard learned counsel for the petitioners.

The petitioners-State have filed this civil miscellaneous petition against the order dated 18.02.2017 passed in Execution Case No.17 of 1991. The petition of the petitioner for recalling the order dated 27.02.2016 has been rejected and the Seristedar was directed to calculate the simple interest on the amount of decree till the realisation of the decretal amount in view of the order passed in miscellaneous case for staying the further proceeding of the execution case.

Learned counsel for the petitioner submits that miscellaneous case was disposed of in the year 1998, therefore, the State is only liable to pay the interest at the prevailing



simple interest on the decretal amount i.e. the arrear of rent. The State has already paid Rs.1,38,000/- to the decree holder but the Court did not direct the Seristedar to take into account the fact that the State has already deposited Rs.1,38,000/- whereas the decretal amount is only Rs.96,000/-, out of which Rs.6,000/- was earlier paid besides Rs.1,38,000/- which was paid later on.

I dispose of this civil miscellaneous petition with a direction to the Executing Court to take into account the fact of depositing the decretal amount by the petitioner at the time of calculating the interest on the decretal amount during the period of stay of the execution case by virtue of stay order passed in miscellaneous case. With this observation and direction, this civil miscellaneous petition is disposed of.

(Prabhat Kumar Jha, J)

Saurabh/-

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