

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1902 of 2017

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1. The Union of India through the Deputy General Manager (Law), East Central Railway, Patna.
 2. The Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
 3. The General Manager, East Center Railway at and P.O. Hajipur, District - Vaishali (Bihar).
 4. The Divisional Railway Manager, East Centre Railway, At and P.O. Sonapur, District - Saran (Bihar).
 5. The Divisional Engineer III, East Centre Railway at and P.O. Sonapur, District - Saran (Bihar).
 6. The Senior Divisional Finance Manager, East Centre Railway, At and P.O. Sonapur, District - Saran (Bihar).
 7. The Assistant Engineer, Muzaffarpur (South), East Centre Railway, P.O. & District - Muzaffarpur (Bihar).

.... Appellant/s

Versus

1. M/s Vijay Kumar through proprietor Sri Vijay Kumar Contractor son of Sri Uma Shankar Prasad Singh resident of Village - Sri Ram Nagar P.O. Bhagwanpur, P.S. - Sadar, District - Muzaffarpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dr. Anand Kumar
Mr. Bipin Kr. Deo
For the Respondent/s : Mr. Yugal Kishore

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 07-08-2018

Heard both sides.

The Union of India through the Deputy General Manager (Law), East Central Railway, Patna and others filed this Civil Misc. Petition against order dated 30.08.2017 passed by learned Sub Judge-IX, Muzaffarpur in Money Execution Case No. 01 of 2014 and the order dated 06.09.2017 by which the learned Sub Judge-IX directed the decree holder to furnish the properties of the petitioners for attachment and objection of the petitioners that they have already submitted the entire decretal amount after



deducting VAT and GST or income tax and other admissible tax at source and submitted cheque of Rs. 3,97,927/- and NSC of Rs. 98,500/- has been rejected.

The learned counsel for the respondent/ decree holder submitted that the decree holder has no objection and now the decree is satisfied and the judgment debtor has deposited the decretal amount i.e., Rs. 5,28,836.89/- after deducting admissible taxes thereof. Decree holder is entitled to withdraw the amount that is Rs. 4,96,427/- and he may be allowed to withdraw the aforesaid amount.

In view of the submission made by the learned counsel for the decree holder I dispose of this Civil Misc. petition with a direction that since the judgment debtor has already deposited the entire amount i.e., Rs. 4,96,427/- plus taxes which comes to Rs. 5,28,836.89/- and, therefore, there is no need of issuance of any attachment order and the decree holder be allowed to withdraw the amount of Rs. 3,97,927/- deposited through cheque and Rs. 98,500/- through the NSC.

With this observation and direction, this Civil Misc. petition is disposed of.

(Prabhat Kumar Jha, J)

BKS/Rajan

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