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ORDER SHEET
CS 127 OF 2019
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

RISHABH BENGANI
Versus
JAIDEEP HALWASIYA

BEFORE:
The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA
Date : 17TH June, 2021.

Appearance :
Mr. Amritan Mondal, Adv.
...for the plaintiff

Mr. Reetobroto Mitra, Adv.
...for the defendant

The Court: Learned Counsel appearing for the plaintiff seeks to withdraw the suit. Learned Counsel appearing for the defendant is present. It is submitted that by an order dated 19th February, 2020, in an application filed by the plaintiff under Order 12 Rule 6 of The Code of Civil Procedure, the learned Single Judge was pleased to pass a decree for sum of Rs. 2 crore in favour of the plaintiff. The balance claim of the plaintiff was relegated to the suit since the parties did not agree on the rate of interest and there was no evidence on record for avoiding interest at a specific rate.

Learned counsel submits that by the above order, the suit was decreed in terms of the principal of sum and only the balance amount pertaining to the interest was relegated to the suit. It is also submit that the parties shall thereafter sort their differences out and come to an amicable settlement. It is

submitted that the plaintiff seeks to withdraw the execution application. In view of the above, the plaintiff is allowed to withdraw both CS No. 127 of 2019 and EC No. 187 of 2020 as prayed for. Since execution case is not in the list today, the same may be treated as on the day's list with the consent of counsel appearing for both the parties.

CS No. 127 of 2019 and EC No. 187 of 2020 are accordingly dismissed as withdrawn. All interim orders passed in proceedings shall stand vacated.

(MOUSHUMI BHATTACHARYA, J.)

Sbghosh