

ODC-3

ORDER SHEET

IA NO.GA/1/2021

In

CS/123/2021

IN THE HIGH COURT AT CALCUTTA

Ordinary Original Civil Jurisdiction

ORIGINAL SIDE

INDIAN STORES SUPPLYING COMPANY PRIVATE LIMITED

VS

M/S. ELECTRO THERAPY

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 13th August, 2021.

[Via video conference]

Appearance:

Mr. Shailendra Jain, Adv.

Mr. Sourav Mondal, Adv.

... for the petitioner

Mr. Aditya Mondal, Adv.

... for the respondent

The Court : Learned counsel appearing for the parties submit that the parties have settled the disputes out of Court which would be evident from a copy of letter dated 12th August, 2021 written by the respondent to the petitioner stating that the respondent admits and acknowledges the outstanding dues and is ready to pay the petitioner a principal sum of Rs.35,40,019.00 by way of 12 installments starting from 31st August, 2021. The payment is intended to be made by way of 12 post dated cheques for the principal amount and the respondent further indicates that all cheques shall be honoured in presentation. The letter further mentions that the

petitioner shall be entitled to execute the decree or any other rigours available to it in law in the event of a single default on the part of the respondent or dishonour of any of the 12 post dated cheques. The respondent has further agreed that in the event of dishonour of any of the cheques, the respondent shall be liable to pay interest at the rate of 24% per annum on the total amount of Rs.35,40,019.00 from May 1, 2019 till date of the entire payment being made by the respondent.

Learned counsel appearing for the respondent hands up 12 post dated cheques to learned counsel appearing for the petitioner in Court today.

In view of the above, IA NO.GA/1/2021 is disposed of as not pressed.

CS/123/2021 is allowed and decreed in terms of this order.

(MOUSHUMI BHATTACHARYA, J.)

RS