

IA NO. GA/1/2020
IN CS/143/2020
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

MUKESH SARAOGI (HUF)
VERSUS
MR. SANJAY JHUNJHUNWALA

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 27th January, 2021.

(Via Video Conference)

Appearance:
Mr. D.N. Sharma, Adv.
Mr. Shailendra Jain, Adv.
Mrs. Swati Agarwal, Adv.

Mr. Ratnanko Banerjee, Sr., Adv.

The Court: The plaintiff seeks judgment on admission against the defendant for a sum of Rs.60,80,000/- and other reliefs in this application.

Learned senior advocate appearing for the defendant submits that the defendant admits that a sum of Rs.60,80,000/- is due and payable by the defendant to the plaintiff. He submits that the defendant already paid a sum of Rs.15 lakhs this morning. The balance will be paid by the defendant in three monthly installments as may be directed by the Court.

Learned advocate appearing for the plaintiff submits that he is yet to receive any instruction as to the payment of a sum of Rs.15 lakhs.

Since the defendant is admitting a sum of Rs.60,80,000/- to be payable to the plaintiff, it would be appropriate to pass a decree on judgment upon admission for a sum of Rs.60,80,000/- in favour of the plaintiff as against the defendant in terms of prayer (a) of the application.

The defendant is at liberty to pay the sum of Rs.60,80,000/- in three monthly installments commencing from March, 2021. The first of the installments will be paid by the defendant within March 8, 2021 and the subsequent installments within the 8th of each subsequent month. The plaintiff will adjust the sum of Rs.15 lakhs if received by the plaintiff, as claimed by the defendant to be paid by the plaintiff this morning, towards the first installment under this order.

In the event of default of payment of the first or the second or the third or any part or portion of the installments as directed the plaintiff is at liberty to execute the decree.

The parties agreed that the decree for a sum of Rs.60,80,000/- as passed herein will satisfy the claim of the plaintiff in its entirety. They also agree that, in the event of default of payment of the installments as directed the decree will carry interest at the rate of 10% from the date of default.

IA No.GA/1/2020 is disposed of. CS/143/2020 is decreed accordingly.

(DEBANGSU BASAK, J.)

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