

OD-3

ORDER SHEET

APO No. 174 of 2019
With
CS No.270 of 2006
EC No.287 of 2011
IA No. GA 1 of 2019 (Old No: GA 2674 of 2019)

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

CANARA BANK
Versus
MPMC PVT. LTD.

Before:
The Hon'ble Justice I. P. MUKERJI
And
The Hon'ble Justice ANIRUDDHA ROY
Date: 30th September 2021.

Appearance:
Ms. Aparajita Ghosh, Adv.

Mr. Mainak Bose, Adv.
Mr. Alak Kr. Ghosh, Adv.
Mr. Ranjit Chatterjee, Adv.
Ms. Manisha Nath, Adv.

The Court: The Kolkata Municipal Corporation has filed two reports by way of an affidavit and a supplementary affidavit in terms of the order of the division bench dated 8th January, 2020.

Mr. Mainak Bose, learned advocate appearing for the respondent, submits that the Corporation has transgressed the area demarcated to it by this order. It was only required to determine the respective shares of the parties in the municipal tax payable in respect of the subject property. It was not entrusted with making a revised valuation of the premises. He says the valuation aspect will be taken up by his client in an appropriate jurisdiction.

Be that as it may, the subject decree as modified in appeal remains unexecuted.

We admit the appeal dispensing with all other formalities and dispose of the same with the direction that the respondent will be at liberty to take out a fresh application before the executing court to execute the decree dated 31st July, 2008 which was subsequently modified by the decree passed by the division bench on 4th August, 2010 in accordance with the terms of settlement executed by and between the parties on 3rd August, 2010. While considering the execution application, the executing court will take into account the order of the division bench dated 8th January, 2020 together with the said reports of the Kolkata Municipal Corporation and any exception to them that may be taken.

All points are kept open before the executing court.

The appeal and the connected application are disposed of.

(I. P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)