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EC 546 of 2018
IA No. GA 1 of 2019

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

APEEJAY HOUSE PVT. LTD.
-VERSUS-
PUNJAB NATIONAL BANK

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 29th July, 2021.

(Via Video Conference)

Appearance:

Mr. Soumabho Ghose, Adv.

Mr. Biswajit Konar, Adv.

Mr. Debayan Sen, Adv.

...for the decree-holder.

Mr. Abhishek Banerjee, Adv.

Ms. Parna Roychoudhury, Adv.

...for the judgment-debtor.

The Court: The decree-holder in the present execution petition seeks a direction on the Registrar, Original Side to release a sum of Rs.6,31,17,537/- which is presently lying with the said Registrar. The aforesaid amount can be traced to an order of Division Bench dated 3rd April, 2019 wherein the judgment-debtor was directed to put in the said amount for stay of the decree. The Appeal was thereafter dismissed by an order passed by a Division Bench dated 6th April, 2021. Thereafter, by a subsequent order dated 20th April, 2021, the decree-holder was directed to make an appropriate application for enforcing the judgment of the Division Bench. A challenge from the order of the Division Bench dated 6th April, 2021 was also dismissed by the Supreme Court.

Learned counsel produces a letter of the advocate-on-record of the judgment-debtor dated 6th April, 2019 which contains the bank draft indicating that Rs.6,31,17,537/- has been put in by the judgment-debtor.

Learned counsel appearing for the judgment-debtor submits that appropriate orders may be passed.

Upon hearing learned counsel, this Court is of the view that since the appeal of the judgment-debtor has been found to be without merit all the way up to the Supreme Court, there can be no further impediment to the decree-holder for obtaining the amount which is presently lying with the Registrar, Original Side of this Court.

The Registrar, Original Side is, accordingly, requested to release the said amount within 4th August, 2021 to the advocate-on-record of the decree-holder. The Registrar, Original Side will also release the accrued interest on the aforesaid amount to the decree-holder. The parties will exchange relevant information with regard to the amount in question as may be required for final settlement of the amount, which is due and owing to the decree-holder.

EC No.546 of 2018 along with IA No.GA 1 of 2019 is disposed of in terms of the above.

(MOUSHUMI BHATTACHARYA, J.)