

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

EC/111/2021

RANDHIR SINGH BHUTORIA
-VS-
FOOD CORPORATION OF INDIA

BEFORE:

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date : 2nd August, 2022.

Appearance:

Mr. Arindam Paul, Adv.
Ms. Parna Mukherjee, Adv.
Mr. Saswata Chatterjee, Adv.
...for the decree-holder.

Mr. K.K. Chattopadhyay, Adv.
...for the judgment-debtor.

The Court: Heard learned counsel appearing for the decree-holder and the judgment-debtor and considered the execution application and particularly Annexure-'B' at page 7 of the said execution application which is the document issued on 25th February, 2021 by the judgment-debtor Food Corporation of India and on perusal of paragraph 2 of the same it appears that the decree-holder was informed to withdraw the remaining decretal amount of Rs.29,55,394.78 lying before the learned Registrar, Original Side.

Mr. Chattopadhyay, learned counsel appearing for the judgment-debtor also produces a calculation sheet issued by the authority concerned of Food Corporation of India on 28th July, 2022 from which it appears that the decretal sum by the decree dated 2nd February, 2015 was Rs.27,77,866.20 and interest on the said decretal amount as calculated on 25th February, 2021 at the interest rate of 8.33% per annum comes to Rs.52,83,547.73 and the cost of the suit is Rs.20,000/-. So, the total amount as per the aforesaid decree which the

judgment-debtor is liable to pay including interest and cost of the suit on 25th February, 2021 comes to Rs.80,81,414/-. It also appears from the said calculation sheet that towards the aforesaid total payable amount the judgment-debtor Food Corporation of India has already paid Rs.51,26,019.23. So after adjustment of the aforesaid total payable amount as on 25th February, 2021 which is the date when decree-holder was communicated to withdraw the money from the learned Registrar, Original Side which was lying in account of the judgment-debtor Food Corporation of India, comes to Rs.29,55,394.78.

It appears from the said calculated sheet that the judgment-debtor Food Corporation of India had already deposited an amount of Rs.29,77,369/- in the form of interest bearing fixed deposit on 2nd February, 2021 with the learned Registrar, Original Side and the balance amount to be paid to the judgment-debtor comes to Rs.29,55,394.78 on 25th February, 2021.

It is the fault on the part of the decree-holder in not approaching the learned Registrar, Original Side for payment of the amount lying with him in spite of specific consent and communication by the judgment-debtor Food Corporation of India to the decree-holder and if the decree-holder was facing any difficulty in withdrawing the aforesaid money lying with the learned Registrar, Original Side, he should have immediately taken appropriate steps and the judgment-debtor Food Corporation of India cannot be made liable for payment of any further interest on account of delay on the part of the decree-holder in approaching the learned Registrar, Original Side for withdrawal of the said money.

Considering the submissions of the parties and materials available on record, this execution application is disposed of by directing the learned

Registrar, Original Side to pay the amount of Rs.29,55,394.78 to the plaintiff/decreed-holder as described in the Tabular Statement within a fortnight from date subject to compliance of all formalities and to return the balance amount which is lying deposited with him along with the interest to Food Corporation of India, subject to compliance with all requisite formalities.

In view of this order, decree dated 2nd February, 2015 stands satisfied and EC/111/2021 stands disposed of.

(MD. NIZAMUDDIN, J.)