

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1032 of 2012

Harbinder Singh Deengra

.... ***Petitioner***
Mr. P.K. Routray, Advocate

-versus-

Krupasindhu Gahan

.... ***Opposite Party***

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.01.2024

I.A. No.67 of 2024

Order No.

- 05.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner.
 3. This I.A. has been filed with a prayer to refund the amount, which has been deposited by the Petitioner pursuant to order dated 23.05.2012.
 4. Learned counsel for the Petitioner submitted that at the time of admission of the present application, this Court vide order dated 23.05.2012 granted stay of the execution of NBW subject to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand) by the Petitioner before this Court. Learned counsel for the Petitioner submitted that pursuant to such order the petitioner has deposited a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand), which has been kept in interest bearing account. Since the application has been dismissed vide order dated 22.03.2022 due to non-appearance of the

Petitioner before this Court. Accordingly, the CRLMC application stands disposed of. Accordingly, it is stated by learned counsel for the Petitioner that the Petitioner is entitled to get back the money.

5. On perusal of the order it appears that the execution of NBW was stayed subject to depositing a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand). However, after obtaining the interim order of stay of execution of NBW since 2012, the matter has been dismissed due to non-prosecution.

6. In such view of the matter, the Petitioner is directed to pay a cost of Rs.10,000/- (Rupees Ten Thousand) to the sole Opposite Party. On production of receipt showing payment of cost to the Opposite Party, the Registry shall do well to release the deposited amount along with accrued interest in favour of the Petitioner within a period of four weeks from the date of production of such receipt.

7. Accordingly, the I.A. stands disposed of.

(*A.K. Mohapatra*)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 19-Jan-2024 12:40:36

