

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO.195 OF 2022

Makardhwaja Panigrahi

....

Petitioner

Mr.B.P.Das, Adv.

-versus-

Damayanti Pandit

....

Opposite Party(s)

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
16.3.2022**

Order No.

01. 1. Heard learned counsel appearing for the Petitioner-judgment debtor.
2. Undisputedly, on the suit coming to close, there has been some financial discharge by the judgment debtor to the decree holder. Execution Proceeding No.3 of 2015 was disposed of on contest where the judgment debtor while depositing the principal amount of Rs.4,62,000/- agreed to pay the interest, as determined by the Executing Court. Question remains, in the ultimate disposal of Execution Proceeding No.3 of 2015, if the Executing Court justified in fixing 10 equal installments for clearing the interest aspect.
3. Sri Das, learned counsel contesting the impugned order submits that for hearing involvement of interest and for the Petitioner's otherwise involvement, he is unable to clear the interest

outstanding in 10 equal installments and it should be extended making it possible to pay at least Rs.30,000/- per installment.

3. For the opinion of this Court, once there is assessment of interest in the finality of the Execution Proceeding, the interest aspect so determined by the Executing Court becomes due on the date of assessment itself. Further since there is litigation involving such payment, there is even clear entitlement of such event in favour of the decree holder. The decree holder will be suffering for each day of delay. Even after such due falls, the Executing Court appears to be bit liberal and permitted the judgment debtor to pay the interest entitlement due within ten months in ten equal installments. There has been a greater indulgence and there is deferment of payment of interest by ten months. This Court finds, there is reasonable direction for discharging of interest aspect, for which this Court finds no scope for entertaining the discharge of interest aspect beyond ten months.

4. The CMP thus stands dismissed.

(Biswanath Rath)
Judge

M.K.Rout