

193 06.10.23

Ct. No. 04

akd

F.A. 7 of 2020
CAN 6 of 2023

L. A. Collector, Hooghly
Vs.
Sujit Kumar Manna

Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal.
... for the appellant.

Mr. Sukumar Bhattacharyya,
Ms. Piyali Shaw,
Ms. Oindrila Chatterjee,
Ms. Puja Sarkar..
... for the respondent/applicant.

Re: CAN 6 of 2023

The instant appeal is filed by the State assailing the judgement and order dated 27th March, 2015 passed by the L.A. Court in L.A. Misc. Case No. 59 of 2010.

The instant application is taken out by the respondent seeking an order directing the L.A. Collector, Hooghly to deposit the balance amount in terms of the impugned judgement and order with this Court.

Obviously the moment the L.A. Court has determined the value of the property at the time of acquisition, it partakes the character of money decree. It further appears that the Execution Case is stayed on condition of the deposit of an amount. The Record further reveals that a sum of Rs.26,24,352/- had been deposited with the Registrar General.

In the instant application the respondent contends that the aforesaid amount deposited by the appellant is not in tune with the impugned judgement and order and, therefore, the appellant should pay the rest of the amount.

The detailed calculation has been depicted in paragraph 14 of the instant application wherein it is indicated that a sum of Rs.6,08,056/- is required to be further deposited by the appellant. Though the appellant disputes the calculation as depicted therein, but we feel that the same shall be decided at the time of final hearing of the instant appeal.

There is no difficulty in depositing the aforesaid amount by the appellant in compliance with the order of the Division Bench and, therefore, the instant application is disposed of directing the State/appellant to deposit Rs.6,08,056/- with the Registrar General of this Court within one week after reopening of this Court following long vacation.

It is further made clear that the aforesaid amount shall not be disbursed to the respondent, but shall be invested in an interest bearing Fixed Deposit scheme by the Registrar General in any nationalized bank and shall continue to renew the same until further order passed in the instant appeal.

With the above observations, the application being CAN 6 of 2023 is disposed of.

Since the appeal is otherwise ready for hearing, the same shall be listed three weeks after reopening of this Court following long vacation.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

