16.10.2023.
Item No. 21.
Court No. 13
sp

F.A. No. 112 of 2023

M/s. Techno Print & Ors.
Versus
M/s. Himalaya Paper Co.

Mr. Sounak Bhattacharyya,
Mr. Tanweer J. Mandal,
Ms. Somashree Dey,
Ms. Tuhina Paruin
...for the appellants
Mr. Sayantan Bose
..for the respondent

1. The appeal is directed against judgement and decree dated April 29, 2023 passed by the learned 7th Bench of the City Civil Court at Calcutta in Money Suit No. 554 of 2016.

2. The suit was for price of goods sold and delivered. The Court below recorded the entire fact and has carefully considered the evidence on record. Witnesses have been examined by both sides. The judgement and decree is otherwise in order except to a limited extent. The principal amount decreed has been mistakenly calculated at Rs. 3,68,119/-, whereas it ought to be Rs. 2,54,283 as claimed in the plaint itself.

3. This Court is not inclined to interfere with the reduction in the rate of interest from 24%, as claimed, to 9%, considering the fact that the transaction between the parties is commercial in nature.

4. The Court has disallowed Rs. 200/- claimed by the plaintiff towards bank charges.

5. Applying the said 9% rate of interest on the principal sum of Rs.2,54,283/- from March 12, 2016 to August 16, 2016 i.e. 158 days, the interest comes to Rs. 9906.69/-. For the period from August 17, 2016 till the date of actual decree, being April 29, 2023 i.e. a total of 2447 days, the interest incurred is Rs. 1,53,426.69.

6. The plaintiff/respondent shall, therefore, be entitled to the aforesaid sums of money, totaling Rs. 4,17,616.28/-.

7. Interest on judgment shall be payable at 9% from April 30, 2023 till the date of actual payment.

8. This Court, therefore, modifies the decree of the Court below to the extent as indicated hereinabove.

9. On the prayer made on behalf of the appellants/defendants, the aforesaid sum of Rs. 4,17,616.28/- together with interest 9% on and from April 30, 2023 till date, shall be paid in two equal monthly instalments.

10. In default of payment of any of the instalments as indicated above, the rate of interest on judgment shall be payable on the decretal sum adjudicated above (Rs. 4,17,616.28/-), @ 12% per annum.

11. The first instalment shall be payable by October 20, 2023. The second/balance/final instalment shall be payable on or before November 11, 2023.

12. With the aforesaid observations, F.A. 112 of 2023 shall stand disposed of.

13. In view of the above, connected applications, if any, shall also stand disposed of.

14. There shall be no order as to costs.

15. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(***Rajasekhar Mantha, J.***)

(***Supratim Bhattacharya, J.***)