

07 24.03.2023

Ct-08

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FMAT 500 of 2022

with
I.A No. CAN 2 of 2022

Indusind Bank Ltd.

Vs.

Pappu Kumar Sah

Mr. Pratip Mukherjee
Mr. Sayak Ranjan Ganguly
Ms. Srijani Ghosh
... For the Appellant

Mr. Susenjit Banik
Ms. Sutapa Mukhopadhyay
... For the Respondent

Learned counsel appearing for the appellant on instruction submits that the appellant has not received the cheque of Rs.25,000/- as yet, although it has been sent.

The respondent is directed to cancel the said cheque by issuing appropriate instruction to its banker and issue a fresh cheque for the said sum and the said cheque shall be handed over to the learned advocate on record for the appellant on or before 27th March, 2023.

According to the respondent, a sum of Rs.43,000/- is due and payable and in view of the fact that the respondent would be paying a sum of Rs.25,000/- on or before 27th March, 2023, time may be given to the respondent to pay the balance amount of Rs.18,000/- towards instalments that had fallen due by reason of short payment made by the respondent in terms of the order passed by the trial court.

The balance amount of Rs.18,000/- shall be paid on or before 31st March, 2023 by cheque to the learned advocate on record for the appellant, in default of making payment of initial amount of

Rs.25,000/- or the balance amount of Rs.18,000/-, the injunction granted by the trial court shall stand vacated and the appellant shall be at liberty to take appropriate step in accordance with law.

The injunction application filed before the trial court stands disposed of by this order.

With the aforesaid direction, the appeal stands disposed of.

In view of disposal of the appeal nothing remains to be decided in the application for stay being CAN 2 of 2022.

CAN 2 of 2022 is accordingly disposed of.

(Uday Kumar, J.)

(Soumen Sen, J.)

