

05
19.08.2024
S.D.
Ct. No. 26

CPAN 537 of 2018
Smt. Reba Maity
Vs.
Mr. Ashim Kumar Panda & Ors.
With
CAN 1 of 2019 (Old CAN 12094 of 2019)
in
F.A. 122 of 2006
With
CAN 3 of 2018 (Old CAN 3450 of 2018)
CAN 4 of 2018 (Old CAN 3452 of 2018)

Mr. Dhilon Sengupta
Mr. Ayan Chakraborty
Ms. Sohini Mukherjee
....For the petitioners

Mr. Sourajit Dasgupta
...For the bank

Petitioners complain of violation of the order dated
May 6, 2006 passed by the Appeal Court.

A First Appeal was carried against a money decree.
By the order dated May 11, 2006, the judgment debtor was
directed to secure the decretal amount in the manner as
directed. In fact, the decretal amount was directed to be
secured by creating a fixed deposit h carrying interest.

It is submitted on behalf of the bank that fixed deposit was created in terms of the order dated May 11, 2006 and that the same is kept renewed from time to time.

The allegation is that, the judgment debtor failed to comply with the order dated May 11, 2006 with regard to the creation of the fixed deposit.

A decree holder is entitled to put the decree into execution.

In the facts of the present case, we are not minded to proceed under the Contempt of Court Act, 1971 or under Article 215 of the Constitution of India for the alleged failure of the judgment debtor in securing the decretal amount as directed by the order dated May 11, 2006 passed in the First Appeal.

This order will not prevent the respective parties from availing of their remedies in accordance with law.

CPAN 537 of 2018 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

