

AD-03
Ct No.09
07.03.2024
TN

WPA No. 17597 of 2022

Smt. Sabita Saha and others
Vs.
Registrar General, High Court, Calcutta and others

Ms. Juin Dutta Chakraborty,
Mr. Bidan Modak,
Ms. Madhumita Paul

.... for the petitioners

Mr. Ranjay De,
Mr. Basabjit Banerjee,
Mr. Adityajit A. Bose

.... for the Registrar General, High Court

- 1.** Learned counsel for the petitioners submits that the petitioners seek release of an amount which was directed to be deposited with the Registrar of this court in terms of M.A.T. No. 1465 of 2010.
- 2.** Learned counsel appearing for the learned Registrar General of this court submits that there is a technical difficulty insofar as vide order dated July 30, 2015 passed in F.M.A. 183 of 2011, a Division Bench of this court had recorded that on the date of disposal of the appeal in terms of the amicable settlement between the parties, 7th respondent was very much alive, who was entitled to the amount of Rs. 5 lakhs lying with the Registrar General of this court. Legal representatives of 7th respondent were not at all having any individual right as on the date of disposal of the appeal, though they were on record.
- 3.** It is submitted that hence, it is difficult for the Registrar General to release the amount in favour of the

present writ petitioners, who are the heirs of the deceased 7th respondent.

- 4.** It transpires, however, that subsequently the 7th respondent has died and, as such, there cannot be any further impediment in the writ petitioners, as the heirs of the 7th respondent, to get the amount as stipulated.
- 5.** In such view of the matter, WPA No. 17597 of 2022 is disposed of by directing the respondent no.1, that is, the learned Registrar General of this court to disburse the amount of Rs. 5 lakhs by way of five different cheques of Rs. 1 lakh each drawn in the name of each of the petitioners in full and final settlement of the dues to the petitioners, pursuant to the previous orders of this court passed in the connected appeal.
- 6.** Before doing so, the learned Registrar General of this court shall satisfy herself about the identity of each of the petitioners as legal heirs of the 7th respondent in the appeal.
- 7.** There will be no order as to costs.
- 8.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)