

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

EC/220/2023
ANCHOR INVESTMENT PVT LTD .
VS
TCI FINANCE LTD.

BEFORE:
The Hon'ble JUSTICE APURBA SINHA RAY
Date : 19th February, 2024.

Appearance:
Mr. Rajarshi Dutta, Adv.
Mr. Rahul Poddar, Adv.
Mr. Debargha Basu, Adv.
For decree-holder.
Mr. Madhu Sudan Sarkar, Adv.
Mr. M. Sarkar, Adv.
Ms. Ritu Das, Adv.
For judgment-debtor.

THE COURT: Learned Counsel for the decree-holder has submitted that his client has already filed appropriate application before the Trial Court for recalling a part of the judgment and decree passed on 8th December, 2022 in connection with CS/133/2019 along with other prayers. As such he has prayed for deferring the hearing of the instant execution proceeding for two weeks.

Learned Counsel for the judgment-debtor has raised strong objection. According to him, the decretal amount has already been paid in full. Therefore, decree has been satisfied in full. There is no whisper in the decree regarding the interest and cost as claimed by the decree-holder.

I have gone through the materials on record. It appears that the Trial Court did not say anything about the relief of interest and cost as claimed by the decree-holder. As the Executing Court cannot go behind the decree, I do not think that the prayer for adjournment submitted by the learned Counsel has any legal basis.

The instant execution proceeding stands disposed of on full satisfaction. However, the decree-holder is at liberty to execute any fresh decree in accordance with law.

[APURBA SINHA RAY, J.]

dg/