

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 840 of 2023

Priya Sankar Bose

Vs.

Principal, Dr. R.A. Dental College & Hospital & Anr.

Mr. Partha Chakraborty

Mr. Arghya Mullick

Mr. Muhammad Obaid

... For the petitioner

1. None appears on behalf of the opposite parties.
2. This revisional application has been preferred assailing the order dated 31st August, 2017 whereby the opposite party no.1 was directed to pay an amount to the tune of Rs.30,000/- to the petitioner/decreed-holder (DHR.) and also directed to deposit Rs.47,500/- towards punitive damages in compliance with the order dated 17th September, 2013.
3. Learned counsel appearing on behalf of the petitioner has submitted that the amount of punitive damages was calculated wrongly in terms of period mentioned in the order dated 17th September, 2013. In support of his contention, he has referred to the order dated 17th September, 2013 as well as the order dated 31st August, 2017 passed by the District Consumer Disputes Redressal Forum, Kolkata, Unit-II.

4. From the order dated 17th September, 2013, it is found that the learned Forum passed an ex parte order with cost of Rs.5,000/- and also directed the opposite parties to pay a sum of Rs.25,000/- along with punitive damages @ Rs.500/- till satisfaction of decree.

5. Whereas from the order dated 31st August, 2017, it is found that judgment-debtor (JDr.) was directed to pay Rs.30,000/- in favour of the DHr. and also directed to deposit Rs.47,500/- as punitive damages.

6. It is reported by the learned counsel appearing on behalf of the petitioner that the petitioner/DHr. has already received Rs.30,000/- on 9th October, 2018, but the direction to deposit Rs.47,500/- was not recorded after calculation in terms of period from 17th September, 2013 till the date of receipt of Rs.30,000/-, i.e., on 9th October, 2018.

7. From the order dated 31st August, 2017, it is also found that the same order was passed after allowing a put-up petition filed on behalf of the JDr. No.1

8. After perusal of the order dated 17th September, 2013 as well as the order dated 31st August, 2017, I find that further calculation of punitive damages is required for the period from 17th September, 2013 till 9th October, 2018. Further, it appears that the order dated 31st August, 2017 was passed without giving any opportunity to the petitioner/DHr.

9. With the aforesaid observation, the revisional application stands allowed in part only to the extent of direction qua amount of punitive damages.

10. Regard being had to the above, the revisional application stands disposed of with a direction upon the District Consumer Disputes Redressal Forum, Kolkata, Unit-II to take up C.C./E.A. No./79 of 2013 only with regard to the ascertainment of the amount of punitive damages after giving an opportunity of hearing to the DHr./petitioner herein as well as the JDr./opposite parties.

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

12. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)