

20.02.2026.
Item No. 12.
Court No. 13
ap

F.A. No. 162 of 2004
With
IA NO: CAN/3/2004 (Old No: CAN/7809/2004)
And
IA No. CAN/4/2016 (Old No: CAN/10702/2016)
And
IA No. CAN/5/2019 (Old No: CAN/40/2019)

**North Eastern Regional Agricultural Marketing
Corporation Limited**
Versus
Sobhagya Mull Singhvi

Mrs. Sohini Chakraborty,
Mr. Arijit Sarkar.

...For the appellant.

Mr. Sandip Ghosh,
Mr. Sudarshan Roy,
Mr. D. N. Mukherjee.

...For the respondent.

Re: CAN 5 of 2019 (Substitution)

1. This is an application for recording the death of the respondent in the appeal, namely, Sobhagya Mull Singhvi, who died on 24th September, 2018. His legal heirs are mentioned in paragraph 2 of the said application.
2. Let the names of Dr. Chapala Singhvi, Smt. Sangeeta Irani, Smt. Preeti Agarwal and Smt. Shubhra Butala be substituted as the respondent nos.1(a), 1(b), 1(c) and 1(d) respectively in place and stead of the deceased Sobhagya Mull Singhvi.
3. This Court is satisfied with the pleadings made in CAN 5 of 2019.
4. The abatement of the appeal against the respondent, if any, shall stand set aside.

5. In view of the above, the application being CAN 5 of 2019 is allowed and disposed of.

6. There will be no order as to costs.

Re: F.A. 162 of 2004

7. The instant first appeal is directed against the judgment and decree dated 8th May, 2002 passed by the learned 2nd Civil Judge (Senior Division) at Alipore in Money Suit No. 22 of 1992.

8. The facts relevant to the instant appeal are that the respondent/plaintiff was engaged in the business of advertising. Pursuant to an agreement between the respondent and the appellant, namely, North Eastern Regional Agricultural Marketing Corporation Limited, the respondent/plaintiff undertook various acts and performed, advertised and marketed products of the appellant. Payments were made for a few bills initially. However, for the bills raised between September, 1988 and September, 1989 totaling a sum of Rs.12,62,430.85p, no payment was made. While the respondent asserted before the Trial Court that the Managing Director of the appellant had confirmed the appellant's liability to the respondent, the appellant contended before the Trial Court that then Managing Director had no authority to confirm the outstanding dues payable to the respondent.

9. It has further come on record that the said Managing Director, who was suspended by the

appellant Company, had the same quashed from a court of competent jurisdiction.

10. Be that as it may, on behalf of the appellant, Estate Manager, A.B. Angadi was examined and cross-examined. DW-2, in his evidence before the Trial Court has no personal knowledge of the transactions between the appellant and the respondent. He was, however, asked to depose evidence by the appellant on its behalf. He has admitted that the plaintiff/respondent was entitled to payment for work done.

11. The plaintiff has proved through PW-1 before the Trial Judge all its bills and documents that were duly exhibited.

12. In so far as the particulars of the bills raised by the appellant between September, 1988 to September, 1989 DW-2 deposed that he was required to look into the records of the Company to verify the same.

13. In essence what transpired clearly is that the defence could not advance any substantial or lawful dispute to the names of the respondent/plaintiff in the Trial Court.

14. Having regard to the above, the Trial Judge decreed the suit for the principal amount claimed of Rs.12,62,430.85p.

15. In so far as the claim for interest is concerned, although the respondent/plaintiff claimed 18% interest on the principal sum outstanding, it appears

that no notice under the Interest Act was exhibited before the Trial Court. There was no agreement between the parties in respect of any interest.

16. It is in that backdrop that the Trial Judge decreed the suit for the principal outstanding sum of Rs.12,62,430.85p along with 10% interest. The interest must be treated as simple interest.

17. The appellant shall be liable to pay the aforesaid principal sum together with interest at the rate of 10% per annum on and from the date of filing of the suit till the date of the decree i.e. 8th May, 2002. Interest on judgment, however, shall be payable at the rate of 7% per annum on and from the date of decree till the date of actual payment.

18. Let the impugned judgment and decree be modified to the limited extent indicated hereinabove.

19. With the aforesaid observations, F.A. 162 of 2004 shall stand disposed of

20. In view of disposal of the appeal itself, all the pending connected applications shall also stand disposed of.

21. There will be no order as to costs.

22. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Md. Shabbar Rashidi, J.)