

M. Ex No. 05 of 2013
CIS No. 277 of 2014

Order No. 62 Dated 20.08.2025.

Today is date fixed for filing of calculation sheet by Jdr.

Ld. Advocate for decree holder files amendment petition, one petition u/s 151 read with Sec. 21, Rule -52 CPC after supplying the copy to the other side.

Ld. Advocate for Jdr files time petition which is heard, considered and rejected.

This is very old case as such, all the petitions are taken up for hearing in presence of Ld. Junior Advocate for Jdr.

Record is taken up for hearing of petition.

Ld. Advocate for the petitioner submits that this is an amendment petition by which the responsible officer ADM (LA), Purba Bardhaman of the State has disclosed the Bank Account as mentioned in the Schedule before the First Court, Ld. ADJ, Purba Bardhaman which helps in realization of the decretal amount. Therefore, he submits that the column of movable property in the form of application be added by way of amendment for execution of decree by inserting the personal ledger account numbers as "General" with ID and description 4877 which is under the custody and control of ADM (LA), Purba Bardhaman and one P/L Account described as LA Contingency with Scheme ID and description 5123 under the custody and control of ADM (LA), Purba Bardhaman be added by way of amendment of the claim application.

Ld. Advocate for State representing Ld. G.P, Purba Bardhaman left the matter on the discretion of the Court.

Heard, considered and after perusing the materials on record, this court finds that the LA Case No. 84/145 of 2008 was decreed on 27.07.2011 for the amount of Rs. 1,27,973/- with 15% interest. For which the instant M. Ex. Case No. 05/2013 was registered on 10.04.2013 but till date the decretal amount was not realized due to non-disclosure of the P/L Account described as LA Contingency with Scheme ID and description 5123 under the custodian control of ADM (LA), Purba Bardhaman. It

cannot be overlooked that though case was filed in the year, 2013 and now it is 2025. Therefore, for realization of the decretal amount, the prayer of the petitioner is very much required to be allowed. As such, the petition filed by the decree holder is hereby allowed on contest without any order as to cost. Let the execution petition be amended as per the schedule of the petition which are as follows:

- 1) One P/L Account as “ General” with ID and description 4877 which is under the custody and control of ADM (LA), Purba Bardhaman.
- 2) One P/L Account described as “LA Contingency with Scheme ID and description 5123 under the custody and control of ADM (LA), Purba Bardhaman

The decree holder is directed to file the amended copy of execution petition which he filed before the court today and is kept with the record.

Furthermore, the calculation sheet has already been submitted by the Dhr against which Ld. Advocate for Jdr did not file any calculation sheet till date despite giving several opportunities. Therefore, the calculation sheet submitted by Dhr is only accepted as the decretal dues of Rs. 2,49,744/- till 30.06.2025.

Now, petition u/s 151 read with Sec. 21, Rule -52 CPC is taken up for hearing.

Ld. Advocate for the Dhr submitted that the decretal amount is remained unsatisfied since 2013. For such reason, for satisfaction of decretal amount direction be given to ADM (LA), Purba Bardhaman to hold the P.L account of the State being described as “ General” with schemes ID and description 4877 or the P/L Account described as “LA Contingency with Scheme ID and description 5123 under the custody and control of ADM (LA), Purba Bardhaman within specified time including interest or dividend becoming payable thereon till the satisfaction of the decree of decretal amount of Rs.2,49,744/-only by the order of the court and a report should be called for in respect of such held up from the ADM (LA) within stipulated time, otherwise, the petitioner will be highly prejudiced.

Ld. Advocate representing the State raises objection.

Heard, considered and after perusing the materials on record, this court finds that the instant L.A execution case is pending since the year 2013. The present decretal dues comes to the tune of Rs. 2,49,744/- only as on 30.06.25.

Ld. Advocate for the Dhr relied upon clause 12 of the Treasury Rules published in Kolkata Gazette notification on June, 14, 2005 wherein stated that “when a court hashead with a challan”. Therefore, this court finds that since it is the duty of the court to execute the decree passed by this court by way of attachment. Hence, this court do not find any reason to refuse the prayer of Dhr for attachment u/o-21 rule 52 of CPC. As such, the petition for attachment u/o-21 rule 52 of CPC filed by the Dhr is allowed on contest for the purpose of payment of decretal due towards satisfaction and discharge.

Therefore, the PL account no. of the State being described as “LA Contingency with Scheme ID and description 5123” which is under the custody and control of ADM (LA), Purba Bardhaman, be attached on or before 30.08.2025 for an amount of Rs. 2,49,744/- by the ADM (LA), Purba Bardhaman.

Decree Holder is directed to file requisite at once, if any.

Fix 08.09.2025 for compliance report.

Let a copy of this order be sent to Ld. G.P to inform the ADM (LA), Purba Bardhaman.

Dictated & corrected by me

Sd/-
A.D.J

Sd/-
Addl. District Judge, 2nd Court,
Burdwan, Dist.- Purba Bardhaman.