

Money Execution 05 of 2015
CIS No. 265 of 2015

Present : Ms Varsha Bansal Agarwal
Addl. District Judge, 2nd Court,
Burdwan, Dist.- Purba Bardhaman.

Order No. 50.
Dated – 17.06.2025.

Today is fixed for hearing of petition u/o 21, rule-52 of CPC and objection in the meantime.

Hazira is filed on behalf of Dhr and one time petition is filed for Jdr which is heard considered and rejected as many opportunities has been given to Jdr but he failed to proceed with the case by taking time on each date.

Now, the record is taken up for hearing of petition u/o 21, rule-52 of CPC.

Ld. Advocate for the Dhr submitted that the decretal amount is remained unsatisfied since 2015. 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. 92,423/- 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 2014. The present decretal dues comes to the tune of Rs. 92,423/- only as on 27.02.2017.

Ld. Advocate for the Dhr relied upon clause 12 of the Treasury Rules published in Kolkata Gazettee 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 25.06.2025 for an amount of Rs. 92,423/- by the ADM (LA), Purba Bardhaman.

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

Fix 04.07.2025 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.