

**In the Court of the Additional District & Sessions Judge, Special Court,
Dakshin Dinajpur at Balurghat
L.A Execution Case No.03/2018 (Computer Registration No.15/2018)
CNR No.WBDD01-001799-2018.
Present :- Ananta Kumar Singha Mahapatra (J.O Code No. WB 00902).**

Order No.22
15.02.2023

The Decree Holder files hazira.

The Judgment debtor nos. 1 and 2 also files their respective haziras.

Today is fixed for further hearing in respect of the decretal estimate filed on behalf of both sides.

Heard both sides.

Perused those decretal estimate and the judgment under execution. Considered.

It is the submission of learned advocate for the decree holders that the interest has not at all been calculated by the judgment debtor no.1. That the decree holders are entitled to get interest @ 9% per annum from the date of filing of the case till the date of the award.

The learned G.P. appearing for the judgment debtor no.1 submitted that no such interest has been awarded in the judgment.

I have carefully perused the judgment dated 25.06.2012 passed in L.A. Case No. 264 of 2006. In the said judgment there is no specific order of any interest from the date of filing of the case till the date award. The only interest allowed in the judgment is that of 8% per annum on and from the date of the order till realization of the amount.

The decretal estimate submitted by the judgment debtor no. 1 goes to show that in column no. 5 the additional interest has been calculated from 30.06.2018 to 30.06.2022. However, the date of the judgment is 25.06.2012 and the decree holder are entitled to get the interest from the said date, i.e. from 25.06.2012.

I am not satisfied with the submission of the learned advocate for the decree holders that they are entitled to get interest @ 9% per annum from the date of filing of the case till the date of the award, as because, there is no mention of any such interest in the judgment and this executing Court cannot go beyond the judgment.

Accordingly, the decretal estimate filed by the decree holders is considered and rejected.

Contd...Order No.22
15.02.2023

The judgment debtor no. 1/L.A. Collector, Dakshin Dinajpur is directed to calculate the decretal estimate afresh by considering the interest from 25.06.2012 to 30.01.2023 @ 8% per annum which was earlier calculated for the period from 30.06.2018 to 30.06.2022.

To 18.04.2023 for filing afresh Decretal Estimate by the judgment debtor no. 1/L.A. Collector, Dakshin Dinajpur in terms of the order of this Court and making payment by the judgment debtors.

Let a copy of this order be sent to the judgment debtor no. 1/L.A. Collector, Dakshin Dinajpur for his information and taking necessary action.

Dictated & corrected by me.

**Additional District Judge,
Special Court,
Balurghat, Dakshin Dinajpur.**

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