

Present :- Kumkum Chattopadhyay
Insolvency 10 of 2023

order no.11

02.09.2024

Today is the date fixed for filing report.

Both parties file haziras.

Case record is taken up for hearing the petitioner filing by Disbursing Authority dt. 04.01.2024.

Heard Ld. Advocates for both sides. Perused the petition. Considered.

Having heard the submissions of Ld. Advocates and on perusal of the case record as well as the petition it appears that Disbursing Authority is directed by this Court vide order no. 03 dt. 13.01.2023 to withhold a sum of Rs. 3,00,000/- out of Rs.15,00,000/- from retirement benefit of Late Sitaram Paswan in the custody of Disbursing Authority until the disposal of the instant case. It is submitted by the Ld. Advocate from Disbursing Authority that Sitaram Paswan died prior to his retirement and legal heir of Sitaram Paswan is entitled to get the death benefit. As such, this petition is filed praying for correction of the order no. 03 dt. 13.01.2023.

On perusal of the case record it appears that this is a typographical mistake. This instant case is filed against Kamala Devi Paswan, wife of Late Sitaram Paswan. It is admitted that Sitaram Paswan died prior to his retirement. There is no bar to allow this petition.

Disbursing Authority is directed to withhold a sum of Rs, 3,00,000/- from the death benefit amount of Late Sitaram Paswan in their custody until the disposal of the instant case.

Accordingly Disbursing Authority i.e. Municipal Commissioner, at Kolkata Municipal Corporation, 05, S.N.Banerjee Road, P.S.- Taltala, is directed to file a compliance report in respect of such attachment before the Court.

Let a copy of this order be sent to Disbursing Authority i.e. Municipal Commissioner, at Kolkata Municipal Corporation, 05, S.N.Banerjee Road, P.S.- Taltala for compliance.

To **10.12.2024** for filing report.

A.D.J (3rd) Court.
(WB00742)