

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No.332 of 2026**

M/s Tata Iron & Steel Company (Collieries) through its Senior Legal
Counsel namely Priy Ranjan, aged about 39 years, son of Bimal
Kumar Sharma, Resident of Jamadoba, P.O. & P.S. Jorapokhar,
District Dhanbad, Jharkhand ... Petitioner

Versus

1. Kalsi Devi, wife of Late Mahanand Mahato,
2. Binod Mahto, son of Late Mahanand Mahato,

Both are resident of Basmata, P.O. Taratand, P.S. Ahilyapur,
District Giridih, Jharkhand ... Opposite Parties

For the Petitioner : Mr. Indrajit Sinha, Advocate
(Through V.C.)
Mr. Ajay Kr. Sah, Advocate
For the Opp. Parties : Mr. Ramchander Sahu, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

***By the Court:-* I.A. No.10410 of 2026**

Heard the parties.

Learned counsel for the petitioner submits that this interlocutory
application has been filed for early hearing of this C.M.P.

Since, the hearing of this C.M.P. is taken up today, hence, this
interlocutory application stands disposed of being infructuous.

(Anil Kumar Choudhary, J.)

C.M.P. No.332 of 2026

This Civil Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Article 227 of the Constitution of India with the prayer to quash the order dated 09.09.2025 passed by the learned Civil Judge (Senior Division)-X, Dhanbad in Execution Case No.54 of 2019 whereby and where under the petition under Order XXI Rule 17 read with Section 151 of the Code of Civil Procedure filed by the Judgment Debtor has been dismissed and to direct the Executing Court to determine the amount on the basis of records available in the Court. A further prayer has also been made to quash the order dated 05.01.2026 passed by the learned Civil Judge (Senior Division)-X, Dhanbad in Execution Case No.54 of 2019 whereby and where under the petition under Order XXI Rule 48 read with Section 60 of the Code of Civil Procedure for attachment of the property of the petitioner filed by the Decree Holders/Respondents has been allowed without determining the decretal amount though in the execution petition, no decretal amount has specifically been mentioned.

2. Learned counsel for the petitioner submits that as per the petitioner, the decree holder is entitled to get only Rs.1,75,344/- under the head 'Gratuity' but the learned counsel for the opposite parties submits that the decree holders are entitled to receive Rs.9,42,000/- both the under the head 'Gratuity' and 'C.M.P.F.'

3. Learned counsel for the petitioner submits that the petitioner is not liable to pay the 'C.M.P.F.' but the petitioner is ready and willing to deposit Rs.4,42,000/- and the documents to the effect that the petitioner has already forwarded the C.M.P.F. Application Form of the opposite parties to the C.M.P.F.O. subject to the condition that out of the amount to be deposited, only Rs.1,75,344/- be disbursed to the opposite parties and the remaining amount to be deposited, is to be disbursed only after determining the decretal amount or in alternative, the petitioner is also ready to deposit Rs.9,42,000/- subject to the condition that out of the amount to be deposited, only Rs.1,75,344/- be disbursed to the opposite parties and the remaining amount to be deposited, is to be disbursed only after determining the decretal amount. Hence, it is submitted that the order attaching the Bank Account of the petitioner, be vacated.

4. Considering the aforesaid facts, this C.M.P. is disposed of with the direction to the Executing Court that if the petitioner deposits Rs.4,42,000/- with the Executing Court along with the documents showing that the petitioner has already forwarded the C.M.P.F. Application Claim of the opposite parties to the C.M.P.F.O. or in alternative deposits Rs.9,42,000/- with the Executing Court within two weeks from the date of this order, the Executing Court will vacate the order dated 05.01.2026 passed in Execution Case No.54 of 2019 of the court of learned Civil Judge (Senior Division)-X, Dhanbad by passing an express order to that effect and out of this amount to be deposited by

the petitioner, Rs.1,75,344/- be disbursed to the opposite parties and the remaining amount will be kept by the Executing Court and appropriate orders regarding the same, shall be passed after determining the decretal amount in accordance with law.

5. This C.M.P. stands disposed of accordingly.

6. In view of disposal of the instant C.M.P., pending interlocutory application, if any, stands disposed of being infructuous.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 10th of August, 2026
AFR/ Animesh
Uploaded on- 12 /08/2026