

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE

CS-COM/668/2024
IA No. GA-COM/1/2024, GA-COM/2/2025

RAJ KUMAR PODDAR
VS
AJAY KUMAR SURANA

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : September 22, 2025

Appearance:

Mr. Ratul Das, Adv.

Mr. Ashutosh Singh, Adv.

...for the petitioner/plaintiff

1. The plaintiff has filed the present application being GA-COM/2/2025 praying for judgment upon admission for a sum of Rs.30,32,055/- on the basis of admission made by the defendant in the affidavit in opposition in connection with GA-COM/1/2024 in paragraph 16 wherein the defendant has stated that the "*I have no intention to commit cheat or fraud upon the petitioner herein and shall definitely refund the outstanding due of Rs.30,32,055/- upon release of the custom security deposit which he is entitled to*".
2. Counsel for the plaintiff submits that though the claim of the plaintiff in the plaint is for an amount of Rs.1,52,00,000/- i.e. principal amount of Rs.80,00,000/- and Rs.72,00,000/- is the interest at the rate of 18% per annum on and from 22nd April, 2019 till 24th April, 2025.

3. Counsel for the plaintiff submits that as the defendant on affidavit has admitted the part claim of the plaintiff for an amount of Rs.30,32,055/- and as such, the plaintiff is entitled to get judgment upon admission.
4. It is found from the record for the last several dates none appears on behalf of the defendant. The plaintiff has prayed for a decree for a sum of Rs.80,00,000/- along with interest at the rate of 18% per annum, in total Rs.1,52,00,000/-.
5. The plaintiff had filed the application being GA-COM/1/2024 praying for an interim order. Defendant is contesting said application by filing affidavit in opposition. In the affidavit in opposition of GA-COM/1/2024, at paragraph 16, in reply to the paragraph 23 of GA-COM/1/2024, the defendant has stated as follows:

“15. That with regard to the statements made in paragraph 23, I deny and dispute the allegation put forward and I submit that there is no warrant against me pending before any Court of Law and as such I have no intention to commit cheat or fraud upon the petitioner herein and shall definitely refund the outstanding of Rs.30,32,055/- upon release of the custom security deposit which he is entitled to”.
6. In the said paragraph, the defendant has categorically admitted that the defendant will refund an amount of Rs.30,32,055/- upon release of the customs security deposit.
7. The plaintiff has relied upon the order passed in the Customs Appeal dated 12th October, 2023 wherein the Appellate Authority

has dismissed two appeals and held that the claim of the defendant is to be refunded.

8. Considering the above, this Court finds that the defendant has admitted the part claim of the plaintiff to the tune of Rs.30,32,055/-. Thus, the plaintiff is entitled to get judgment upon the admission for a sum of Rs.30,32,055/-. The defendant is directed to pay the said amount to the plaintiff. With regard to the remaining claim of the plaintiff, the same is relegated to the trial.
9. GA-COM/2/2025 is disposed of.

(KRISHNA RAO, J.)