

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

IA NO: GA-COM/1/2024
APDT/13/2024
WITH
CS-COM/43/2024

NATIONAL INSURANCE COMPANY LTD.
VS
SETHIA OILS LTD. & ANR.
(Commercial Division)

BEFORE
The Hon'ble Justice I.P. MUKERJI
-And-
The Hon'ble Justice BISWAROOP CHOWDHURY
Date: 10th June, 2024

Mr. Saumen Dutta with
Mr. Dolon Dasgupta, Advs.
...for the appellant.

Mr. Sakya Sen with
Mr. Rudrajit Sarkar,
Mr. Jai Kr. Surana,
Mr. Dhruv Surana,
Mr. Abhimonyu Roy &
Ms. Bhanshika Newar, Advs.
...for the respondents.

Order in terms of prayer (a) of the stay petition subject to the appellant's advocate-on-record paying the deficit court fee assessed by the department, by 24th June, 2024.

In default, the stay application and the appeal are to be listed by the department as 'To be Mentioned' for dismissal on the ground of non-payment of court fee or for any other appropriate order.

This is an appeal from the judgement and decree dated 13th March, 2024 made by a learned single judge for Rs.10,80,540/- as decretal sum togetherwith interest at the rate of 10% per annum from the date of institution of the suit till recovery.

We direct unconditional stay of the decree till 1st July, 2024. By 1st July, 2024 the appellant shall deposit a sum of Rs.20,00,000/- with the Registrar, High Court, Original Side. Upon receiving such deposit, the Registrar, Original Side shall inform the respondent no.1. In that event,

stay of the decree shall continue till disposal of the appeal or until further order, whichever is earlier.

If such deposit is not made by the aforesaid date, the Registrar, Original Side shall inform the said respondent. In that event the respondents shall be free to put the decree to execution.

The Registrar, Original Side shall invest the said amount in a short term deposit with the State Bank of India, Kolkata High Court SPB Branch upon intimation to the parties and hold the term deposit with the accrued interest subject to orders that may be passed by this court.

The stay application (GA-COM/1/2024) is disposed of.

As affidavits were not invited, the allegations contained in the application are deemed not to be admitted.

APDT/13/2024

We formally admit the appeal.

We expedite hearing of the appeal.

As the respondents are represented by learned counsel, issuance and service of notice of appeal are dispensed with.

All other formalities are dispensed with.

Advocate-on-record for the appellant is directed to file an informal paper book by 8th July, 2024, serving a copy thereof on the advocate-on-record for the respondent at least seven days before the date of hearing of the appeal.

List the appeal for hearing on 17th July, 2024.

Let this appeal be tagged with the appeal being APD/1/2020.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)