

OD-25

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

EC/22/2024
IN THE MATTER OF:
SWAPNA ROY
VS
SUVANKAR BANERJEE

BEFORE:
The Hon'ble JUSTICE BIVAS PATTANAYAK
Date :-18thJuly, 2024.

Appearance:
Ms. Tiana Bhattacharyya, Adv.
Mr. Dilip Kumar Ghosh, Adv.
For decree holder

THE COURT: Ms. Tiana Bhattacharyya, learned advocate appearing for the decree holder submits that as per the decree, the total amount payable to the decree holder by the judgment debtor is Rs.60 lakhs which has been stated in para 17 of the application as well as in column no.5 of the Tabular Statement. However, inadvertently in the Tabular Statement at column no.7, the said amount has not been stated. She prays for necessary leave to correct the application for execution of decree under Order XXI Rule 11 of the Code of Civil Procedure, 1908 (hereinafter referred to as the 'Code').

Upon going through column no.5 of the application for execution of decree it is found that the balance amount payable to the decree holder has been stated therein as Rs. 60 lakhs. However, in column no.7, the amount of

Debt or Compensation due upon the decree has been mentioned as "NIL". Paragraph 17 of the application also records that balance outstanding amount is Rs.60 lakhs.

Accordingly, in view of the provisions of Order XXI Rule 17 of the Code leave is granted to the decree holder to make necessary correction in the Tabular Statement of application for execution of decree in column no.7 as aforesaid within two weeks from date.

Ms. Bhattacharyya, learned advocate for the decree holder seeks for issuance of notice to the judgment debtor.

Let notice be issued to the judgment debtor.

The department is directed to issue notice of the amended execution application to the judgment debtor.

List this matter on 23rd August, 2024.

[BIVAS PATTANAYAK, J.]

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