

Calicut Engineering Works Ltd. Vs. Simplex Engineering Foundry Works Pvt. Ltd.

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Court : Kolkata

Decided On : Oct-03-2012

Judge : I. P. Mukerji

Appellant : Calicut Engineering Works Ltd.

Respondent : Simplex Engineering Foundry Works Pvt. Ltd.

Judgement :

ORDER

SHEET GA No.2392 of 2012 EC No.39 of 2006 IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction ORIGINAL SIDE CALICUT ENGINEERING WORKS LTD.Versus SIMPLEX ENGINEERING FOUNDRY WORKS PVT.LTD.BEFORE: The Hon'ble JUSTICE I.P.MUKERJ.Date :

3. d October, 2012.

Appearance: Mr.Rudradeb Chowdhury, Advocate Mr.Amitesh Banerjee, Advocate Mr.T.Seal, Advocate Mr.J.Bhahamachan, Advocate Mr.D.Mukherjee, Advocate
The Court: The decree was passed by this Court in favour of the plaintiff on 30th June, 2005.

The application to set aside the decree was dismissed.

Thereafter an application was made to set aside or recall this order.

In that application this Court by an order dated 28th July, 2006, directed the defendant to furnish a bank guarantee for Rs.8,50,000/- in favour of the Registrar, Original Side of this Court.

This bank guarantee was furnished by the defendant in favour of the Registrar, Original Side.

The bank was Dena Bank.

A term of the bank guarantee provided that in case the bank guarantee was not renewed by the defendant, the bank would deposit the guaranteed amount together with the Registrars commission with the Registrar.

In fact the guarantee was not renewed.

Dena Bank did not deposit the guaranteed amount together with the Registrars commission not any part thereof.

In this application made by the decree-holder, it is submitted on behalf of Dena Bank that they are prepared to deposit the above sum with the Registrar, Original Side.

I keep this application pending.

I direct Dena Bank to deposit Rs.8,50,000/- together with the Registrars commission of Rs.8,500/- with the Registrar, Original Side by 17th October, 2012.

The question of the banks liability to pay interest on this amount is kept open.

The judgement debtor will file their affidavit of assets by the returnable date in compliance with the earlier order of this Court.

List this application along with EC No.39 of 2006 on 18th October, 2012, for further consideration.

Registrar, Original Side, Dena Bank and all parties concerned to act on a signed photocopy of this order upon the usual undertakings.

(I.P.MUKERJI, J.) G/

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