

39 Group Captain Prabhakara Kankandy & Anr vs ATS Real Estate Builder Pvt Ltd E-4313 of 2023

Present: Mr. Ravi Shandilkar, Advocate for DH

Mr. Shivani Dang, Advocate for applicant/JD

File put up today on an application filed by JD.

On 11.10.2024, an account of JD with HDFC Bank, Ansals Arcade, Sector-18, NOIDA i.e. account No.00880350000873 was ordered to be attached to the extent of decretal amount, stated to be Rs. 1,10,56,500/-. This is an application with prayer to recall said order.

Learned counsel for DH (Sh. Ravi Shandilkar), accepts the notice and is ready for arguments.

It is submitted by learned counsel for applicant/JD that aforesaid amount i.e. Rs. 1,10,56,500/- is wrong calculation of decretal amount, which is apparent from the fact that recovery certificate was issued by this forum on 02.05.2024 for a sum of Rs. 40,99,963/-. The interest could not have been accumulated to make it Rs. 1,10,56,500/-.

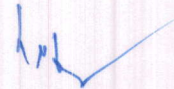
Learned counsel for DH also accepts the mistake in calculation. He gives fresh calculation. According to him, as on today, JD is liable to pay a sum of Rs. 47,84,098/-. Although as per learned counsel for JD, liability of his client does not exceed Rs. 43,80,973/-, she has no objection if account of her client is attached to a sum of Rs. 47,84,098/-.

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Considering all this, application in hands is allowed. It is clarified that a bank account of JD as mentioned above is attached to the extent of Rs. 47,84,098/-. Attachment order dated 11.10.2024 for a sum of Rs. 1,10,56,500/- is thus recalled. Bank Manager be directed not to release any amount from this account leaving balance of Rs. 47,84,098/-.

Let a copy of this order be served upon bank Manager for his information. Another copy of order be given to JD, as requested by learned counsel for latter.

To come on 21.02.2025 i.e. date already fixed.



(Rajender Kumar)
Adjudicating Officer,
24.01.2025