

GOVERNMENT OF KERALA

Abstract

Suit – Execution of decree – A.S.No.32/67 and A.S.No.267/69 – Deposit of decretal amounts in Court – Sanctioned.

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AGRICULTURE (FOREST) DEPARTMENT

G.O.Rt. No.1295/72/AD.

Dated, Trivandrum, 1-6-1972.

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Read:- 1. Report No.G2-47327/71 dated 18-5-72 from the Chief Conservator of Forests.  
2. Letter No.CC4-7872/66 dated 20-5-1972 from the Divisional Forst Officer, Chalakudy.

ORDER

The Amalgamated Tea Estates Company Ltd., Munnar filed two original suits in the Irinjalakuda Sub-Court at C.S.27/63 and 21/66 for the refund of the seigniorage value plus sales tax of Rs.1,06,490/71 and Rs.2,69,595/11 respectively realized by the Forest Department for the timber and firewood extracted from the Malakipara area. The original suits were decreed in favour of the company by the Sub-Court, Irinjalakuda. The Forest Department filed appeal petitions before the High Court as A.S.No.32/67 and 267/69. The High Court also decreed in favour of the Company as per judgement dated 4-1-1972. On this decision of the High Court, the Company filed petitions before the Sub-Court, Irinjalakuda for execution of the decree. It is reported that though the appeals filed in this regard in the Supreme Court have been admitted, the stay petitions moved have been dismissed.

In order to avoid any coercive steps being ordered by the Sub-Court, Irinjalakuda, the Chief Conservator of Forests has requested sanction for the deposit of the decretal amounts in the Sub-Court on 7-6-1972 as noted below:-

<u>Name of case</u>	<u>Decree amount</u>	<u>Interest at 6% per annum from the date of plaint till 7-6-1972.</u>	<u>Total</u>
O.S.No.27/63			
A.S.No.32/67	96,254.19	50,978.51	1,47,232.70
O.S.No.21/66			
A.S.No.267/69	232,443.65	84,222.30	<u>3,16,665.95</u>
		Grand Total	<u>4,63,898.65</u>

In the circumstances, sanction is accorded for depositing Rs.4,63,898/65 (Rupees four lakhs, Sixty three thousand eight hundred and ninety eight and paise sixty five only) in the Sub-Court, Irinjalakuda on or before 7-6-1972. The amount may be drawn by debit to "T-Deposit and Advances – Part IV – Suspense (i) Suspense Account (a) Suspense Account (25) Deposit of Decretal amounts in court for staying execution of decree".

(By Order of the Governor)

Sd/-

Joint Secretary.

To

The Chief Conservator of Forests, Trivandrum.

(True Copy)

Endt. on G2-47327/71

Office of the Chief Conservator of Forests,  
Trivandrum, dated: 2-6-1972.

Copy forwarded to the Divisional Forest Officer, Chalakudy, for immediate necessary action. The interest to be paid may be calculated correctly and remittance made. (Ref.CC4-7873/66) Objection may also be filed in the Sub-Court not to release the amount to anybody will disposal of the Appeal in the Supreme Court.

Copy to:- The Conservator of Forests, Trichur. (CH-24389/61)

For Chief Conservator of Forests.