

**IN THE COURT OF THE SENIOR CIVIL JUDGE, AIZAWL DISTRICT, AIZAWL
MIZORAM
Execution Suit No.14/2010**

1. H.Sapliankunga,
S/o Rangthangvunga,
Dawrpui Vengthar, Aizawl.
2. Lianchhunga,
Chawngchhunga (L)
Chanmari, Aizawl.
3. Rotluanga
S/o Lahnema,
Khatla, Aizawl.

.....Plaintiff.

-Versus-

1. The Commissioner/Secretary
to the Govt. of Mizoram,
Power & Electricity Department,
2. The Superintendant Engineer,
Power & Electricity Department.
3. The Secretary to the Govt. of Mizoram,
Finance Department.

.....Defendant.

BEFORE

R.VANLAENA, Senior Civil Judge-2

For the Plaintiff : Shri C.Lalramzauva & Ors, Advocates.
For the Defendants : AGAs.
Date of Judgement : 23.3.2012.

JUDGEMENT AND ORDER

23.3.2012

The present Execution case has been filed by Shri H.Sapliankunga & 2 others against the State of Mizoram & others and the same has been registered as Execution Case No.14/2010.

The present case had arisen from the Judgment & Order dated 8th May, 2004 in Money Suit No.4 of 1996 passed by the court of the Asst. to the Deputy Commissioner, Aizawl vide Memo No.125/ADA(A) 2004 dated 8th May, 2004 which was appealed in the court of Additional District & Session Judge, Aizawl Judicial District, Aizawl which passed the Judgment & order dated 20.11.2006 in RFA No.15/2004 A/o of M.S.No.4/1996 directing payment of all pending Bills to the plaintiffs-appellants by the Respondent/Defendants as per the rate of interest etc. as prayed for by the appellants plaintiffs. The said case was

again reviewed by the same court vide Review petition No.4/08 in RFA No.15/2004 in connection with M.S.No.4/1996. The operative part of the Judgment & Order passed in the said Review Petition may be reproduced for ready reference as below : [I am of the view that the Review Petitioners are entitled to payment of the said amount of Rs.6,47,785.59 paise each with a total of Rs.19,43,356.77 paise (Rupees nineteen lakhs, forty three thousand, three hundred fifty six and seventy seven paise) with interest @ 6% per annum from the date of filing of the suit i.e.08.08.1996 till the date of passing of this order. However, if payment is not made within 60 days from today, the Respondents/Opposite Parties shall be liable to pay interest @ 12% from the date of this order in addition to the interest @ 6% for the period earlier mentioned till full and final payment of the said amount is made].

The aforementioned Judgment & Order had been challenged in the Hon'ble Gauhati High Court, Aizawl Bench vide RSA No.06 of 2009 and the same was upheld by the Hon'ble Gauhati High Court and further directed the appellants (State Government) to pay the balance amount payable to the respondents (H.Sapliankunga & 2 others) within a period of 3(three) months from the date of its Judgment and Order.

In compliance with the Judgment & order of the Hon'ble Gauhati High Court, Aizawl Bench, the Department of Power & Electricity, Govt. of Mizoram had deposited Rs.42,02,854/- to the court on 20.06.2011 and was disbursed to the present petitioners. This amount covered the period upto 2.3.2011 by the said rate of interest i.e. 12% per annum from dt,2.4.2009 as per the Judgment & Order dated 2.4.2009. The present petitioners (H.Sapliankunga & ors) therefore prayed this court to pass an order directing the Respondents (Power & Electricity Department, Govt. of Mizoram) to deposit the balance amount of interest amounting to Rs.1,19,226/- (Rupees one lakh, nineteen thousand, two hundred and twenty six) only for the period from 2.3.2011 till deposit of Rs.42,02,854/- had been made i.e.20.06.2011 for disbursement to the petitioners. During the course of this case, the Respondents are given chance to file reply in connection with the present Execution case, however, no reply has been filed so far by the Respondents.

I have heard the Ld. Counsel Shri A.Rinliana Malhotra and others for the petitioners and also heard so the Ld. Asst. Govt. Advocates. I have considered their respective submissions, I have also perused the materials available on record. This court has come to a conclusion to pass an order as bellow:-

ORDER

That the Respondents (i.e. Power & Electricity Department, Govt. of Mizoram & Ors.) are directed to deposit the balance amount of interest of Rs.1,19,226/- (Rupees one lakh, nineteen thousand, two hundred and twenty six) only to this court for a period from 02.03.2011 to 10.06.2011 for disbursement to the petitioners within a period of 1 (one) month.

Parties are to bear their own costs.

With this order, the present case stands disposed of.

Give copy of this order to all concerned.

Sd/-R.VANLAENA
Senior Civil Judge – II
Aizawl District : Aizawl.

Memo No. /SCJ-I I(A)/2012: Dated Aizawl the, 23rd March, 2012.

Copy to:

1. The District and Sessions Judge, Aizawl District, Aizawl, Mizoram for information.
2. H.Sapliankunga, S/o Rangthangvunga, Dawrpui Vengthar, Aizawl.
3. Lianchhunga, Chawngchhunga (L) Chanmari, Aizawl.
4. Rotluanga, S/o Lahnema, Khatla, Aizawl.
5. The Commissioner/Secretary to the Govt. of Mizoram, Power & Electricity Department through AGAs.
6. The Superintendent Engineer, Power & Electricity Department, Govt. of Mizoram through AGAs.
7. The Secretary to the Govt. of Mizoram, Finance Department through AGAs.
8. Shri C.Lalramzauva & ors, Advocate concerned.
9. Asst. Govt. Advocates.
10. Registry Section.
11. Case record.

PESHKAR

