

**CLEARMEDI HEALTH CARE PRIVATE  
LIMITED VS. THE SECRETARY, CHIKITSABORTI  
UDDYOG**

**Mr. Somenath Roy Chowdhury**  
**..for the petitioner**  
**Mr. Joydip Kar..Sr.Adv.**  
**Mr. Pijush Biswas**  
**Mr. Abhishek Barman Das**  
**..for the opposite party**

This revisional application has been filed praying for a direction upon the learned Civil Judge, Senior Division, Uluberia, District Howrah to dispose of the application filed by the decree holder on February 15, 2020. The said application appears to be one for fixing the date for the learned Receiver to execute the writ issued by the learned Court below on January 5, 2019 for certain works to be done by the Receiver in terms of the award.

The learned Advocate for the petitioner has also pointed out the order dated January 30, 2020, by which the learned Court below granted stay of the award in Money Execution Case No. 15 of 2018 upon a condition that 50% of the arbitral award would be deposited as security. It is submitted that the said amount not having been deposited, the stay was automatically vacated as per the order dated January 30,

2020. Thus, it is prayed that there was no impediment on the part of the learned Court below in taking up the said application, more so because the award was not challenged, insofar as the recovery of articles, namely, M.R.I. machines etc. were concerned. In any event, this Court is not required to go into the merits of the application. The learned Court below shall decide the application expeditiously by pre-poning the date, preferably within a month from the date of communication of this order. However, the direction passed herein and the pendency of the Money Execution Case No.15 of 2018 will not preclude the parties to settle the issue with regard to recovery of articles as mentioned in the application dated February 15, 2020.

Once the said application is disposed of, the learned Court below shall dispose of the application under Section 47 of the Code of Civil Procedure being Misc. Case No.7 of 2019 within a month thereafter.

This revisional application is disposed of.

There will be however no order as to costs.

Urgent photostat certified copy of this order be given to the parties on priority basis, if the same is applied for.

*(Shampa Sarkar,J.)*





