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Ct. 30

CRR 1979 of 2019

(Via Video Conference)

Prabir Kumar Das

Vs.

Pritilata Das

Md. Sabir Ahmed
Mr. Mujibar Ali Naskar
Mr. S. Sarkar
Mr. Apan Saha

...for the petitioner

Ms. Karabi Roy

...for the opposite party

Misc. Execution Case No.51 of 2018 was filed by the opposite party for realization of monetary benefit which was granted to her for realization of a sum of Rs.1,20,000/-. The impugned order dated 24th June, 2019 shows that the opposite party filed a petition before the Executing Court praying for time for further payment after depositing a sum of Rs.20,000/-. The learned Executing Court refused to grant time to the present petitioner and issued warrant of arrest against him. Issuance of warrant of arrest by the Executing Court vide Order dated 24th June, 2019 is under challenge in the instant criminal revision.

I have heard the learned advocates for the petitioner and the opposite party. It is not in dispute that Misc. Execution Case No.51 of 2018 was instituted for realization

of a sum of Rs. 1,20,000/-. Learned counsel for the opposite party herein has admitted that out of the said 1,20,000/- the present petitioner paid a sum of Rs.95,000/- and Rs.25,000/- is still due.

It is also submitted by the learned advocate for the opposite party that up to January, 2020 total accumulated dues to be paid by the present petitioner is 5,51,000/-.

However, we are concerned with the order dated 24th June, 2019 passed in Misc. Execution Case No.51 of 2018 where the opposite party prayed for execution of the order for realization of a sum of Rs. 1,20,000/-.

Having heard the learned advocates for the petitioner and the opposite party, the instant revision is disposed of directing the petitioner to deposit the balance amount of money for which Misc. Execution Case No.51 of 2018 is pending within 14 days from this date. On depositing such amount to square up the entire dues involved in Misc. Execution Case No.51 of 2018, the said execution case shall be dropped on full satisfaction. Till date execution of warrant of arrest shall be kept in abeyance.

If the petitioner fails to make payment towards full and final satisfaction of the Misc. Execution Case No.51 of 2018, the warrant of arrest issued against him shall be executed with the help of police.

(Bibek Chaudhuri, J.)

