

25.03.2022
Item no. 4

Aloke
Ct. 29

**C.O. 3057 of 2016
with
CAN 1 of 2017 (Old No. CAN 2077 of 2017),
CAN 2 of 2020 (Old No. 609 of 2020)**

**Sri Amit Sarkar & Ors.
Vs
Mrs. Debasree Gupta & Anr.**

Mr. Ranjan Kali
Mr. Mitul Chakraborty
.....for the petitioners/JDR
Mr. Animesh Bhattacharya
... For the Opposite Parties/DHR

Learned Advocate for both the parties to
this revisional application are represented.

Heard both sides.

The application was filed challenging
the order dated June 8, 2016 passed by the
District Consumer Disputes Redressal Forum,
South 24 Parganas, in connection with Execution
Case No. 116 of 2014.

Learned Advocate appearing on behalf of
the petitioners/Judgment Debtors assailed the
impugned order submitting inter alia that the
learned Consumer Forum passed an order dated
June 8, 2016 issuing warrant of arrest against the
petitioners/Judgment Debtors without giving any
opportunity to appear before the Court or issuing
show-cause notice upon the
petitioners/Judgment Debtors.

Learned Advocate appearing for the
Opposite Parties/Decree Holders alleged that the
petitioners/Judgment Debtors have already
transferred the disputed flat in question in favour
of the third party. Therefore, in compliance with
the order of learned State Consumer Forum he

did not deposit the amount assessed by the Forum.

After careful perusal of the order impugned, I find that presence of both the parties is required for proper redressal of the dispute particularly, the allegation of transfer of flat in dispute to third party and also for non-deposit of money by the DHR.

Considering all these facts and circumstances, the parties are directed to appear before the District Consumer Disputes Redressal Forum, South 24 Parganas on May 18, 2022. Till such time warrant of arrest shall not be executed. In case of failure on the part of the petitioners/Judgment Debtors, the warrant of arrest will be in effect on and from May 18, 2022.

With the aforesaid direction, this instant application stands disposed of. The connected applications are also disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Bibhas Ranjan De, J.)