

Court No. 3
Item 20
Sk & Ali
03.08.2022

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRR 152 of 2022

Rimpa Paul (Roy)

Vs.

Suman Paul & Anr.

In Re: An application under Section 483 of the Code of Criminal
Procedure, 1973.

Mr. Arijit Ghosh
...for the petitioner.

Mr. Kunaljit Bhattacharjee
Mr. Alok Sah
.....for the opposite party.

Mr. Aditishankar Chakraborty, Ld. APP
Mr. Nilay Chakraborty
...for the State

Mr. Arijit Ghosh, learned advocate for the petitioner submits that the petitioner has filed the present application for expeditious disposal of execution proceeding being Misc. Execution Case No. 18 of 2019 (arising out of Misc. Case No. 173 of 2017) pending before the learned Judicial Magistrate, 2nd Court, Jalpaiguri.

Learned advocate for the petitioner submits that the execution case was filed for recovery of outstanding dues. The opposite party entered appearance in the year 2019 and thereafter, nominal amount has been paid with regard to the outstanding dues. Accordingly, he prays for expeditious disposal of the execution proceeding.

Learned advocate appearing for the opposite party submits that due to Covid pandemic, the outstanding amount

could not be paid by the opposite party no. 1/husband, who was also put under suspension due to criminal proceeding. Learned Advocate, however assures the court that if a time period of 5 months is provided his client shall clear the entire outstanding dues.

Having heard the learned advocates and upon going through the certified copy of the orders annexed to the application, it appears that the execution proceeding is pending since 2019. Though the opposite party no. 1 entered appearance in the year 2019 yet the amount claimed under the execution proceeding has not been fully satisfied.

In the aforesaid backdrop and considering the submissions made on behalf of the opposite party no.1, the opposite party no.1 is directed to clear the entire outstanding dues within a period of 5 months from date and learned Judicial Magistrate, 2nd Court, Jalpaiguri shall dispose of the execution proceeding upon full and final satisfaction.

Failing compliance as above the executing court shall take all coercive measures for recovery of the outstanding dues in accordance with law.

With the aforesaid observations, the revisional application is disposed of.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)