



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.04.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

C.R.P (NPD) No.1160 of 2022

1.Venkatesh Coke and Power Ltd,
No.6926 A/D1

Chandrawal Road,
New Delhi - 110 007.

2.Ravi Agarwal,

...Petitioners/Defendant

Vs

M/s.Otto India Private Ltd.,
No.32 Ezra Street, 7th Floor, Kolkatta - 700 001.
By Transferee of the Decree M/s. Papathi Reals,
No.139, T.H. Road Chennai - 600 019, represented herein

By its Partner Shri. A.Narayanan ...Respondent/Plaintiff

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, to allow this Revision Petition by setting aside the docket order dated 06.10.2021 in E.A.No.7 of 2021 in E.P.No.128 of 2017 in Calcutta High Court C.S.No.196 of 2005 on the file of the Learned Additional District Judge No.1 at Thiruvallur thereby directing the Learned Additional District Judge No.1 at Thiruvallur to communicate the order dated 18.11.2020 cancelling attachment in respect of the E.P. Schedule mentioned properties to the Sub-Registrar's office at Thiruvottriyur.

For Petitioners : Mr.Ravikumar Paul,
Senior Counsel
for Mr.M.V.Seshachari

O R D E R

A money decree passed by the Calcutta High Court in C.S.No.196 of 2005 was transmitted and the Decree Holder filed E.P.No.12 of 2008 before the learned Principal District Court,



Tiruvallur, which now is stated to have been transferred to the First Additional District Court, Thiruvallur and taken on record as E.P.No.128 of 2017. The Execution Petition is laid for attachment and sale of properties of the Revision Petitioner/Judgment Debtor and attachment of properties too came to be passed and the same has been notified to the concerned Sub Registry.

2. Thereafter, the revision petitioner/Judgment Debtor approached the Execution Court and took out E.A.No.48 of 2017, wherein it had contended that the said order of attachment was made without notice to the Official Liquidator of the Judgment Debtor Company. This came to be allowed. Thereafter, the Judgment Debtor had taken out E.A.No.7 of 2021 for notifying the order cancelling attachment to the Sub Registry concerned. In the meantime, the decree holder has taken out E.A.No.6 of 2021 for review of the order passed by the Execution Court in E.A.No.48 of 2017. This is pending.

3. The Execution Court has ordered that till the review petition filed by the decree holder in E.A.No.6 of 2017 is decided, it cannot pass any order in E.A.No.7 of 2021. The grievance of the revision petitioner/judgment debtor is that the Execution Court while holding that E.A.No.7 of 2021 could not be decided before the disposal of E.A.No.6 of 2021 filed by the decree holder for review, it also does not dispose of E.A.No.6 of 2021.

4. Inasmuch as the trial Court has not passed any positive order disposing E.A.No.7 of 2021, it is only sufficient that this Court directs the Execution Court to tag E.A.No.7 of 2021 along with E.A.No.6 of 2021 and give them a quietus within a period of one(1) month from the date of communication of this order and at any rate, not later than 15.07.2022.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1.The Additional District Judge No-I,
Thiruvallur District

2.The Registrar General
The Calcutta High Court
Calcutta

C.R.P (NPD) No.1160 of 2022

EV (CO)
SP (13/05/2022)