

OD-76

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

EC/235/2015
IA NO: GA/2/2020(Old No:GA/551/2020)

KOTAK MAHINDRA BANK LTD.
VS
JITENDRA BISWAL & ORS.

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 23rd August, 2023.

Appearance:
Ms. S. Das, Adv.
...for the award-holder

The Court : This execution application has been filed as far back as on 2015.

The decree-holder seeks execution of a decree dated 27th July, 2009.

An earlier execution application being EC/389/2010 was disposed by an order dated 21st July, 2011.

The decree is for an aggregate amount of Rs.29,96,644.00/-.

The warrants of arrest were issued against the judgment-debtors as far back as on 4th June, 2015. Thereafter, diverse orders have been passed from time to time directing the police authorities to execute the warrants of arrest which have been repeatedly extended for close to a decade.

The judgment-debtors have not been produced till date.

In terms of the order dated 16th June, 2023, the Deputy Sheriff has filed a Report wherein it is categorically stated that the warrants of arrest

could not be executed due to non-submissions of requisites till date by the concerned Advocate.

The Deputy Sheriff is present and submits that the Report is true and correct and in terms of the order dated 6th June, 2023, the Advocates had failed to submit the requisites. A copy of the Report is also shown to the Advocate for the award-holder.

In such circumstances, the process of Court cannot be abused at the hands of an award-holder. The initial order for warrants of arrest was passed as far back as on 2015. The award-holder has not been diligent in proceeding with this execution application and complying with directions of Court.

Accordingly, EC/235/2015 stands dismissed.

There shall be no order as to costs.

Liberty is granted to the decree-holder to file a fresh execution application if the circumstances so warrant and is so advised.

(RAVI KRISHAN KAPUR, J.)