

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

EC/198/2019
IA NO: GA/1/2020(Old No:GA/215/2020)

POONAWALLA FINCORP LIMITED
VS
SATENDRA KUMAR AND ORS.

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 21st December, 2023.

Appearance:
Mr. P. Sinha, Adv.
Mr. K.K. Pandey, Adv.
...for the award-holder.

Mr. Anuj Singh, Adv.
Mr. Ajit Kumar Chaubey, Adv.
Mr. Rahul Kinkar Pandey, Adv.
Sk. Zahiruddin, Adv.
Mr. Vinayak Chaubey, Adv.
Ms. Suparna Kundu, Adv.
...for the award-debtors.

The Court: During the pendency of this execution proceeding, various orders having been passed on 18 August, 2023, 16 October, 2023, 5 December, 2023 and 20 December, 2023 respectively when the award holder had not brought it to the attention of this Court, that diverse payments have been made by the judgment debtors.

Any payment which the judgment debtors have made is a material fact which should to have been necessarily brought on record. The fact of payments having been made has been suppressed by the award holder.

Pursuant to an order dated 20 December, 2023 a representative of the award-holder is present in Court and acknowledges that this fact ought to have been brought to the attention of this Court.

In view of the suppression of a material fact, EC/198/2019 stands dismissed.

All interlocutory applications shall stand disposed of.

Interim orders, if any, stand vacated.

The warrants of arrest also stand discharged.

(RAVI KRISHAN KAPUR, J.)

s.pal