

OD-60

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

EC/503/2018

POONAWALLA FINCORP LIMITED
VS
RANJEET KUMAR

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 3rd October, 2023.

Appearance:
Mr. Paritosh Sinha, Adv.
Mr. K. K. Pandey, Adv.
Ms. E. Saha, Adv.

The Court: This is an application for execution of a decree dated 27th March, 2017. It is submitted on behalf of the decree-holder that the decree has attained finality and there is no embargo in proceeding with this execution application. The decree is for a sum of Rs.16,66,639/- inclusive of interest. By an order dated 14th December, 2018, a Co-ordinate Bench had directed issuance of a warrant of arrest against the judgment-debtor no. 1. Despite the warrant of arrest having been issued as far back as on 14th December, 2018, the judgment-debtor has not been produced.

Significantly, repeated orders as on 22nd February, 2019, 5th April, 2019, 21st June, 2019, 16th August, 2019, 3rd January, 2020, 13th January, 2022 and 4th August, 2023 have been passed extending the warrant of arrest. However, the judgment-debtor has not been produced till date.

It is obvious that the decree-holder has not been able to furnish the exact particulars of the judgment-debtor nor has the decree-holder taken effective steps in this matter.

In such circumstances, extending the warrant of arrest any further is undeserved and justified.

EC/503/2018 stands dismissed.

Liberty is granted to the decree-holder to file a fresh execution application after obtaining full particulars of the judgment-debtor in accordance with law.

(RAVI KRISHAN KAPUR, J.)