

OD-16

IA No. GA 1 of 2023
APOT No. 268 of 2023
with
EC No. 520 of 2013

IN THE HIGH COURT AT CALCUTTA
In appeal from its
ORDINARY ORIGINAL CIVIL JURISDICTION
CIVIL APPELLATE JURISDICTION

ASHOK KUMAR JAIN
Versus
KOTAK MAHINDRA BANK LIMITED AND ANOTHER

Before:

The Hon'ble Justice I. P. MUKERJI

And

The Hon'ble Justice BISWAROOP CHOWDHURY

Date: 29th August, 2023

Appearance:

Mr. D. N. Sharma, Advocate

Mr. S. Jain, Advocate

Mr. Farhan Gaffar, Advocate

...for the appellant

Mr. Paritosh Sinha, Adv.

Mr. Rohan Kumar Thakur, Adv.

...for the respondents/award-holder

The Court: Upon mentioning, this appeal and application are taken up for hearing, out of turn, in the presence of both the parties.

The affidavit of assets filed by the judgment debtors in terms of our order dated 16th August, 2023 be transmitted by the department to the learned executing court forthwith.

By our order dated 16th August, 2023, we had directed the appeal to be listed on 21st August, 2023, after due compliance with the order of the learned trial judge with regard to filing of affidavit of assets. The appeal is in the list pending consideration by us.

Fixing the execution application on 30th August, 2023 “for examination of the judgment debtors” failing which “fresh warrants of

arrest” would be issued against the judgment debtors, as sought to be directed by the order dated 23rd August, 2023 of the learned single judge is, in our opinion, not in order.

This appeal and stay application are disposed of with a request to the learned single judge to consider the affidavit of assets upon hearing the parties. Thereafter, if the learned judge deems fit and proper he may summon the judgment debtors for examination for which a reasonable time has to be given to them.

With the above observations, this appeal (APOT No. 268 of 2023) and stay application (IA No. GA/1/2023) are disposed of.

The judgment debtors need not appear in court for examination on 30th August, 2023, but shall appear on a later date, if so directed.

All points not decided by us are kept open.

(I. P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)