

APOT/369/2023
with
EC/520/2023
IA No.GA/1/2023

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

Ashok Kumar Jain
Versus
Kotak Mahindra Bank Limited and Anr.

Before:
The Hon'ble Justice I. P. MUKERJI
And
The Hon'ble Justice BISWAROOP CHOWDHURY
Date: 9th October, 2023.

Appearance:
Mr. Ahin Chowdhury, Sr. Advocate
Mr. D. N. Sharma, Advocate
Mr. Shailendra Jain, Advocate
Mr. Farhan Ghaffar, Advocate.
...for the appellant.

Mr. Paritosh Sinha, Advocate
Ms. Shreyashee Das, Advocate
Mr. Himangsu Bhawsingha, Advocate
Mr. Rohan Kumar Thakur, Advocate
...for the respondent.

The Court: We are in a position to dispose of the appeal today dispensing with all formalities.

Mr. Ahin Chowdhury, learned senior counsel appearing for the appellant/award-debtor submits that his client has taken out an application (GA/3/2023) alleging that the assignment of the award by the award-holder in favour of the respondent is invalid and that on the basis of this alleged assignment, the respondent could not have maintained the execution application to enforce the award.

The fact is that the appellant is the award-debtor. Whosoever is the beneficiary of the award would have expected to obtain the orders

which the learned single judge has passed on 6th September, 2023 followed by the order dated 4th October, 2023.

Without in any way interfering with the orders dated 6th September, 2023 and 4th October, 2023, we dispose of this appeal and the connected application by directing that before proceeding further in this execution case, the learned single judge will decide the application being GA/3/2023.

Mr. Chowdhury states before us that he would not take more than thirty minutes to argue the application.

(I. P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)