

Suppl 1
20.08.2024
Ct. No. 18
adeb

CO 3031 of 2024

Malay Bose
Vs.
Smt. Susmita Saha

Ms. Priyanka Sarkar
...for the petitioner

Since the present revisional application has arisen out of the orders passed by the West Bengal State Consumer Disputes Redressal Commission, Kolkata in Execution Application being EA/132/2019 along with Interlocutory Application No. IA/749/2023 the department is directed to renumber the present application upon treating this revisional application as Civil Revisional Application. Let the application be renumbered immediately in view of the urgency involved in this writ petition. After renumbering is completed today's order is to be transcribed and signed

The learned advocate representing the petitioner being judgment debtor no. 2 submits that petitioner was suffering from right hemiparesis due to left thalamic intracerebral haemorrhage and was admitted in the Institute of Neurosciences Kolkata for the period from 22nd June, 2015 to 13th July, 2015. It is the contention of the petitioner that due to serious ailment of the petitioner as it appears from medical document at page 15 petitioner could not appear in spite of repeated directions by the Commission in connection with the

aforementioned execution proceedings and the connected interlocutory application. It is also submitted petitioner was not aware of the proceedings pending against him before the Commission. It is further contended on behalf of the petitioner that an order was passed on 16th July, 2024 in the proceedings in connection with the Execution Application and Interlocutory Application whereby the Commission issued warrant of arrest against Sub-Inspector of Police Jadavpur Police Station. By the said order dated 16th July, 2024 matter has been fixed today, 20th August, 2024. Learned advocate on behalf of the petitioner undertakes before this Court that the petitioner would be represented by learned advocate before the Commission but in consideration of the serious ailment which the petitioner is suffering, without hearing the learned advocate for the petitioner warrant of arrest which was issued may not be given effect to.

Having perused the revisional application this Court is aware of the facts that several orders were passed by the Commission in connection with the proceedings relating execution application and the connected interlocutory application and in spite of issuance of warrant of arrest against the petitioner he did not remain present before the Commission. Since before this date i.e. 20th August, 2024 petitioner being the judgment debtor no. 2 was never represented before

the Commission, date is fixed for further consideration of the execution application and the connected interlocutory application on 27th August, 2024. Till next date of hearing on 27th August, 2024, let warrant of arrest issued shall remain stayed.

However, it is made clear that in the event the petitioner/judgment debtor no. 2 remains unrepresented before the Commission on 27th August, 2024 the Commission shall pass appropriate order for ensuring presence of the petitioner before the Commission.

The learned advocate representing the petitioner/judgment debtor no. 2 is granted leave to communicate this order immediately to the learned advocate representing the petitioner/judgment debtor no. 2 before the Commission in order to bring it to the notice of the Commission without waiting for obtaining server copy of this order.

With the aforesaid directions and observations the present revisional application stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)