

OCD-24

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
(Commercial Division)
ORIGINAL SIDE

EC-COM/13/2024

KOTAK MAHINDRA BANK LIMITED
VS
ABHISHEK PRATAP SINGH AND ANR.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 8th March, 2024.

The Court: The Court: In view of the urgency pleaded on behalf of the award-holder the matter is taken up for hearing.

This is an application for enforcement of an award dated 2nd June 2014. By an order dated 16th January 2024, a direction for issuance of notice was passed under Order 21 R22 of the Code of Civil Procedure, 1908.

The Department has filed its report which reflects that the notices have been duly served on both the judgment debtors. The award-debtors remain unrepresented.

In this application the award holder has prayed for attachment of properties situated at Firozabad, Uttar Pradesh. The properties have been described at paragraph 29 of the affidavit. Since the properties in question against which the award-holder seeks to execute the award are situated within the jurisdiction of the Civil Courts at Uttar Pradesh, the decree shall be

transmitted to the District Judge, Dabrai, Donkeli, Uttar Pradesh- 283203 after retaining a copy thereof.

The Department is directed to issue precept to the District Judge, Dabrai, Donkeli, Uttar Pradesh-283203, which is the Competent Court to execute the decree by attaching the properties belonging to the award-debtors.

The precept shall be issued within ten days from date. The costs charges and expenses for such transmission shall be borne by the decree-holder.

In view of the fact that the award has attained finality, the judgment-debtors are also restrained from dealing with and/or disposing and/or creating any third party rights in respect of the aforesaid properties for a period of twelve weeks or until the matter is taken up by the District Judge, Dabrai, Donkeli, Uttar Pradesh whichever is earlier.

EC-COM/13/2024 stands adjourned for six months, with liberty to mention in the event the decree is satisfied in full, in order for this Court to record satisfaction of the decree.

This order shall be forthwith communicated by the award-holder to the judgment-debtors.

(RAVI KRISHAN KAPUR, J.)