

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

EC/236/2015

IA NO: GA/1/2017(Old No:GA/2480/2017), GA/2/2020(Old No:GA/550/2020)

KOTAK MAHINDRA BANK LTD.
VS
NIRMAL RANJAN NAYAK & ANR.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 31st January, 2024.

Appearance:
Ms. S. Das, Adv.
...for the decree-holder.

The Court: This is an application for execution of an award dated 5 November, 2008 for an amount of Rs.45,52,606/-. The proceeding has been filed as far back as in 2015 and repeated orders have been passed from time to time. Despite non-filing of affidavit of assets, the concerned Police authorities have not been able to produce the award-debtors till date. It appears from the Report filed by the Deputy Sheriff that no onward communication has been received from the respective Police Station. Repeated orders have been passed for execution of the warrants of arrest. However, there has been no implementation till date. The award debtors are untraceable and the award holders have not been able to ascertain the exact whereabouts of the award debtors.

In such circumstances, no purpose would be served in keeping this application pending any further. EC/236/2015 stands dismissed.

Liberty is granted to the award-holder to file a fresh execution application if the circumstances so warrant after obtaining necessary particulars in accordance with law.

Liberty is also granted to the award-holder to take back the original award after replacing the same with the photocopy thereof.

All connected applications stand dismissed.

All interim orders stand vacated.

The warrants of arrest, if any, stand discharged.

(RAVI KRISHAN KAPUR, J.)