

CO 1573 of 2025**Sri Prashanta Dutta & Ors.****vs.****Sri Dipak Khan & Ors.**

Mr. Tanmoy Mukherjee

Mr. Souvik Das

Mr. Rudranil Das

Mr. Soumava Santra

....for the Petitioners

This application under Article 227 of the Constitution of India is at the instance of the judgment debtor and is directed against an order being No. 71 dated 19th February, 2025 passed by the learned Civil Judge (Junior Division) 1st Court at Arambagh, in Title Execution Case No. 6 of 2015 arising out of Title Suit No. 61 of 2003.

By the order impugned the judgment debtors were directed to remove the articles from the suit property on their own costs within the time limit as indicated in the said order and in default of this the judgment debtors shall pay compensation as directed by the learned Executing Court within time limit indicated in such order.

Mr. Mukherjee, learned advocate appearing for the petitioners submits that the judgment debtors/petitioners herein have removed the articles as directed by the impugned order. He submits that the judgment debtors have also filed affidavit of compliance dated 4th March, 2025.

The grievance of the petitioners is that the learned Executing Court without taking note of the said affidavit is insisting upon filing of affidavit of assets by the petitioners.

The learned Executing Court is directed to consider the affidavit dated 4th march, 2025 filed by the petitioners herein before the learned Executing Court prior to taking a decision on the prayer of the decree holders with regard to issuance of writ of attachment, if any.

With the above observations and directions CO 1573 of 2025 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)