

Court No. 6
(265719)

20.06.2025
(AD 15)
(S. Banerjee)

CO 2131 of 2025

CTR Manufacturing Industries Limited
Vs.
Mirzapur Electrical Industries Limited

Ms. Asia Hasan

...for the petitioner

Mr. Amrita Lal Dhar

...for the caveator

This application under 227 of the Constitution of India is at the instance of the decree-holder and is directed against order March 7, 2025 passed in Money Execution Suit No. 664 of 2018.

By the order impugned the application under Section 114 read with Section 151 of the Civil Procedure Code, stood rejected. The learned executing court after holding that the application for review was not in form, entered into the merit of such application and dismissed the same.

After holding the application to be not in form, the learned executing court could not have entered into the merits of such application.

For such reason this court is inclined to interfere with the order impugned. The order dated March 7, 2025 is set aside.

At this stage the learned advocate for the petitioner submits that liberty be given to the petitioner to file an appropriate application for review.

If such an application for review is filed in accordance with law, the learned executing court shall consider and dispose of the same in accordance with law after giving an opportunity of hearing to the parties.

If such an application is filed, it will be open to the opposite party to raise all objections.

(Hiranmay Bhattacharyya, J.)