

21st February,
2025
(AK)
03

C.O 3304 of 2024

Mrs. Renu Malhotra
Vs.
Eveready Industries India Limited and another

Mr. Rahul Karmakar
Mr. Sounak Mukherjee
Mr. A.P. Agarwalla

...for the petitioner.

1. Affidavit-of-service filed in court today be kept on record.
2. Despite service of notice, none appears for the opposite parties.
3. Hence, the present application is taken up for hearing *ex parte*.
4. Learned counsel for the petitioner submits that the decree-holder/petitioner seeks expeditious hearing of an execution case which has been pending since 2022.
5. Learned counsel submits that although an appeal has been preferred against the parent decree, an application under Section 5 of the Limitation Act is still pending in connection therewith.
6. Learned counsel also hands over a copy of an order dated January 14, 2025 passed by the executing

court from which it appears that February 24, 2025 has been fixed for report of the bailiff.

7. The bailiff was directed by the order to act as a liaison with the decree-holder with regard to the date of execution of the decree.
8. Learned counsel for the petitioner also hands over a photocopy of the bailiff's report which indicates that the main door of the suit property was found under lock and key.
9. It appears that the opposite parties/judgment debtors are deliberately avoiding to appear before this court.
10. Since the appeal preferred against the parent decree is, as yet, *non est* in the eye of law in the absence of any condonation of the delay in preferring the same and no stay order is subsisting in respect of the execution case, there cannot be any hindrance to the executing court proceeding expeditiously with the execution case.
11. Accordingly, C.O. 3304 of 2024 is disposed of by requesting the learned Civil Judge, Senior Division, Second Court at Alipore, District: South 24-Parganas to dispose of Title Execution Case No.64 of 2022 as expeditiously as possible, positively by March 31, 2025.
12. There will be no order as to costs.

13. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)