

OIP-110

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

EC/392/2019
IA NO: GA/1/2023

DIAMOND APARTMENTS PRIVATE LIMITED
VS
ABANAR MARKETING LIMITED AND 5 OTHERS

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 12th August, 2025.

The Court: None appears on behalf of either of the parties nor is any adjournment prayed for even in the third call.

The matter has been adjourned on repeated occasions and was marked as Heard-in-Part.

This is an application for enforcement of an award dated 15th September, 2016. By the award, the award-holder has been found to be entitled to recover 4200 sq.ft. space on the 8th floor of the premises no. 113, Part Street commonly known as Poddar Point, Kolkata - 700016. The judgment-debtors have also been directed to pay a sum of Rs.3 crores towards damages and mesne profits for wrongful and illegal occupation in this suit premises.

At a prior stage of this proceeding, one Phoenix Asset Reconstruction Company Limited had appear and submitted that the decree is fraudulent and collusive and has been orchestrated to defeat the lawful rights of the true owner in respect of the subject premises.

Thereafter, one Mr. Naresh Balodia, appearing on behalf of the award-holder had stopped appearing in the matter.

This issue of the award having been obtained fraudulently and collusively by the award-holder to defeat the lawful rights of the innocent and bona fide third party remains to be adjudicated.

In view of the repeated non-appearance of the award-holder, it is evident that the award-holder is not interested in pursuing this matter.

EC/392/2019 alongwith IA NO: GA/1/2023 stands dismissed for default.

Interim orders, if any, stand vacated.

(RAVI KRISHAN KAPUR, J.)

S.Bag