

ORDER SHEET

APOT/202/2025
WITH
EC-COM/405/2024
IA NO: GA-COM/1/2025

IN THE HIGH COURT AT CALCUTTA
Commercial Appellate Division
ORIGINAL SIDE

STATE OF MADHYA PRADESH
VS
KALPATARU AGROFOREST ENTERPRISES
PRIVATE LIMITED AND ANR

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
AND
The Hon'ble JUSTICE OM NARAYAN RAI
Date : August 18, 2025.

Appearance:
Mr. Swapan Banerjee, Adv.
Ms. Sumita Shaw, Adv.
Mr. Soumen Chatterjee, Adv.
..for the appellant

Mr. Subhasish Sengupta, Adv.
Mr. Sarosij Dasgupta, Adv.
Mr. Balarko Sen, Adv.
Ms. Subhra Das, Adv.
..for the respondents

Dictated by Arijit Banerjee, J.

The Court: This appeal is directed against an order dated June 20, 2025, passed by a learned Judge of this Court in an application for execution of a judgment and decree dated April 10, 2024.

The respondent no. 1 had filed a suit against the State Bank of India and the present appellant praying for various reliefs.

It appears that none of the defendants in the suit including this appellant seriously contested the suit. The suit was decreed in favour of the plaintiff which is the respondent no. 1 herein. The decree was put in execution by the plaintiff. On such application, the impugned order has been passed. The learned Judge appointed a learned Advocate of this Court as Receiver to attach the office of the Chief Conservator of Forest (Balaghat Circle), at Seoni Road, before Garra Railway crossing, Balaghat, Madhya Pradesh-481001 and the office of the Divisional Forest Officer, South Production, at Seoni Road, Balaghat, near Kali Path, Madhya Pradesh-481001, by putting padlocks on the said offices.

Mr. Banerjee, learned Counsel appearing for the appellant, says that the appellant has filed an application for review of the judgment and decree dated April 10, 2024, being RVWO/17/2025. The learned Single Judge ought not to have passed the impugned order without granting opportunity to the appellant to press its review application.

We find that there is no application under Order IX Rule 13 for recall of the ex-parte decree. We cannot go behind the decree. This appeal is from an order passed in an execution proceeding.

We are further told by Mr. Sengupta, learned Advocate for the respondent no. 1/ plaintiff that the order sought to be challenged before us has already been carried out. The learned Receiver has taken possession of the concerned offices and has filed a report to that effect before the learned Single Judge.

This submission is disputed by Mr. Banerjee, learned Advocate for the appellant.

Since the decree is not under challenge before us, we find no ground to interfere with the order under appeal which has already been implemented.

The appeal and the connected application stand dismissed.

This will not prevent the appellant from taking recourse to other remedies that may be available to it in law.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)

sg.