

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/258/2025
WITH CS/82/1986
IA NO: GA/1/2025
TARA PROPERTIES PRIVATE LIMITED
VS
ARCL ORGANICS LIMITED

BEFORE:
HON'BLE JUSTICE DEBANGSU BASAK
-A N D-
HON'BLE JUSTICE MD. SHABBAR RASHIDI
DATE: -DECEMBER 04, 2025.

Appearance:
Mr. Aniruddha Mitra, Sr. Adv.
Mr. Debraj Sahu, Adv.
Ms. Sormi Dutta, Adv.
...for appellants
Mr. Sakya Sen, Sr. Adv.
Mr. Sourojit Dasgupta, Adv.
Mr. Aasish Choudhury, Adv.
Mrs. Uma Bagree, Adv.
...for respondent

The Court:- The appeal is directed against order dated August 25, 2025 passed in IA GA No. 1 of 2025 in EC 69 OF 2024.

The appeal is at the behest of the decree holder.

It is submitted on behalf of the decree holder that, by the impugned order, learned Executing Court directed the appellant to withdraw the sum deposited by the decree holder, however, after furnishing security.

It is submitted on behalf of the decree holder that, since the appeal is directed against decree, stands dismissed for default and the restoration

application is yet to be allowed, the condition for furnishing security for withdrawal of the decretal amount should be set aside.

Learned Advocate appearing for respondent submits that the application for restoration of the appeal from the decree, which was dismissed for default, is yet to be decided.

Appellant enjoys a decree. The judgement debtor preferred an appeal from such decree which was dismissed for default. Restoration application is yet to be finally decided.

In such conspectus we do not find any ground to interfere with the discretion exercised by the learned Executing Court in directing the decree holder to furnish security for withdrawal of the decretal amount, deposited by the decree holder with Registrar, Original Side.

APOT 258 of 2025 is dismissed without any order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)