

05.05.2026  
Item No.12 (DL)  
Court No.06  
AJ.

**IN THE HIGH COURT AT CALCUTTA  
CIVIL REVISIONAL JURISDICTION**

**C.O. 1023 of 2026**

**Partha Chakraborty  
-Vs-  
Raj Kumar Shaw**

Mr. Chitta Ranjan Chakraborty,  
Mr. Sumit Banerjee,  
Ms. Puspā Rani Jaiswara.  
....for the petitioner.

1. Affidavit of service filed in Court today is taken on record. None appears for the opposite party despite service.

2. This revisional application is directed against a portion of the order dated February 03, 2026 passed by the learned Civil Judge (Senior Division), Chandernagore, Hooghly in Money Execution Case No. 01 of 2018 whereby an application under Order 47 Rule 1 of the Code of Civil Procedure, 1908 filed by the Divisional Railway Manager, Eastern Railway, Howrah Division praying for review of an order dated August 02, 2025 passed in Money Execution Case No. 01 of 2018, has been allowed in part by setting aside the order to the extent the same directed Rs.10,000/- (Rupees Ten Thousand Only) per month to be deducted from the

pension of the judgment debtor and to be remitted to the decree holder.

3. In the said order, the learned Court has granted liberty to the decree-holder to proceed with execution by lawful modes in the following words :-

*“The Decree - Holder is granted liberty to proceed with execution by other level modes, including (without limitation) proceedings under **Order XXI Rule 41 CPC** (disclosure of assets/means) and attachment of other non-exempt properties/receivables, strictly in accordance with Section 60 CPC”.*

4. The petitioner is aggrieved by the aforesaid observation made in the order impugned.

5. Mr. Chakraborty, learned Advocate appearing for the petitioner submits that such an observation could not have been made without any application under Order XXI Rule 41 of the Code of Civil Procedure, 1908 being made by the Divisional Railway Manager, Eastern Railways and the expression *“without limitation”* in effect wipes out the statutory bar of limitation that would have otherwise been there on filing on an application under Order XXI Rule

41 of the Code. He submits that such an observation deserves deletion.

6. Having heard Mr. Chakraborty, learned Advocate appearing for the petitioner and having perused the order impugned, this Court does not find any infirmity in such observation of the learned Court.

7. The fear of the petitioner appears to be without any real basis. In so far as the first apprehension of the petitioner - that the observation could not have been made without an application under Order XXI Rule 41 of the Code is concerned, the same is misconceived inasmuch as no order under Order XXI Rule 41 of the Code has been passed by the learned Court. The learned Court has only observed that it will be open to the petitioner to invoke the provisions of Order XXI Rule 41 of the Code. It is doubtless that for invocation of such provision an application under Order XXI Rule 41 of the Code will have to be made. The liberty granted by the learned Court has to be exercised in accordance with law only.

8. Insofar as the second fear of the petitioner as regards the usage of the expression "*without limitation*" is concerned, the same also lacks basis. Such expression has been used

only to qualify the modes that may be available to the decree holder for the purpose of execution. To wit, the order clarifies that if there is any other mode to execute the decree, apart from filing an application under Order XXI Rule 41 of the Code, the same would not be restricted. It does not mean that the prescription of limitation by the applicable statute in availing any remedy has itself been lifted by the learned Court. The period of limitation has not been waived at all by such observation.

9. In view of the aforesaid observations, nothing further remains to be decided in the present revisional application. C.O. 1023 of 2026 stands disposed of accordingly. No costs.

10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

**(Om Narayan Rai, J.)**