

09.06.2026

Sl. No.14.

D/L.

Mithun.

Ct.No.29.

CRR/1930/2026

Tanmoy Maji

Vs.

The State of West Bengal & Anr.

Mr. Akash Ganguly,
Mr. Nitankar Dutta Banik,
Mr. Amaan Deep Gupta,
Ms. Mayurakshi Saha

...for the petitioners

Mr. Kallol Mondal, Ld.P.P.,
Mr. Suraj Mishra

...for the State

Leave to add the impugned order dated 24.03.2026 in the cause title and the prayer made in the application is granted.

The petitioner herein is aggrieved by the order dated 24.03.2026 and 27.04.2026 passed in Misc. Execution Case No.278 of 2025 by which the Court below issued distress warrant and warrant of arrest respectively against the opposite party on the basis of postal track report showing “addressee left without intimation” and thereby treating the same as good service.

Being aggrieved by the aforesaid order, learned Counsel for the petitioner submits that the petitioner has been staying in the said address for more than six months and the postal endorsement does not reflect the true state of affair. However, learned Executing Court in a grave aberration of judicial procedure, issued warrant of arrest against the petitioner.

However, learned Counsel for the petitioner made an innocuous submission that he may be given liberty to appear before the Court below.

Having heard learned Counsel for the petitioner and considering the fact that the prayer made by the petitioner is innocuous, the instant application being CRR 1930 of 2026 is hereby disposed of giving liberty to the petitioner to appear before the Court below within a period of two weeks from the date of communication of this order and in the event of such appearance before the Court below by the petitioner, Court below will dispose of his prayer in accordance with law without being influenced by any observation made herein.

The impugned order dated 24.03.2026 and 27.04.2026 shall remain stayed for a period of two weeks or till the petitioner appears before the Executing Court, whichever is earlier.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)