

APOT/130/2025
IA No.GA/1/2025

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

SUJATA GUPTA WINFIELD AND ORS.

-VERSUS-

CIC SOCIETY.

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

-AND-

The Hon'ble JUSTICE MD. SHABBAR RASHIDI

Date: 17th April, 2026

Appearance:

Mr. Chayan Gupta, Adv.
Mr. Pourush Bandopadhyay, Adv.
Mr. Rajesh Upadhyay, Adv.
Mr. Shivam Singh, Adv.
...for the appellant.

Mr. Sudip Deb, Sr. Adv.
Mr. S. K. Poddar, Adv.
Ms. Ipsita Ghosh, Adv.
...for the respondent.

The Court :- Appeal is directed against an order dated November 8, 2024 passed in EC No.1016/2025, IA No.GA/3/2024.

By the impugned order, the learned Executing Court overruled the objections of the appellant. Appellant before the Executing Court objected to IA No.GA/3/2024 being allowed to implead the heirs and legal representative of the deceased original award-holder since, according to the appellant, such application was barred by limitation.

Learned Advocate appearing for the appellant submits that, an award dated February 19, 2009 was passed by which the rights, *inter se*, the parties were settled. He submits that, one of the parties to the award was Aditya

Vikram. The award was put into execution without making Aditya Vikram as a party respondent. Aditya Vikram expired on October 24, 2014. By way of IA No.GA/3/2024, the respondent sought to bring the heirs and legal representative of the Aditya Vikram on record. He submits that, the same is not permissible.

Learned Advocate appearing for the appellant submits that, since, the respondents were aware of the award as, they applied for execution of the same, and since, the respondents were aware that, Aditya Vikram was one of the award-debtors nothing prevented the respondents from impleading the heirs and legal representatives of such award-debtor. Since, the respondent did not implead the heirs and legal representatives of Aditya Vikram as an award-debtor in the execution petition, the heirs and legal representatives, now sought to be brought on record, is barred by limitation.

Learned Advocate appearing for the appellant submits that, the execution petition was filed in 2015. When such execution petition was filed, Aditya Vikram was already dead. The application for impleadment of the heirs and legal representative of Aditya Vikram was made in 2024. The same being in excess of a period of twelve years, such application could not be validly allowed.

There were several litigations between the parties which ultimately received consideration by a Division Bench on June 23, 2008 in FMA/1787-1794/2004. The Division Bench on June 23, 2008 noted that, there were several meetings. Certain resolutions were adopted in such meeting. The Division Bench issued certain directions in order to resolve the disputes

amongst the parties. Parties held further discussions among themselves which were placed on record by a letter dated September 22, 2008.

There was an arbitration pending between the parties. The order dated June 23, 2008 and the letter of the learned Advocate dated September 22, 2008 were placed before the learned Arbitrator whereupon an award dated February 19, 2009 was passed. It is this award dated February 19, 2009 which was put into execution by the respondent in EC No.1016/2015.

Aditya Vikram was one of the parties in the award dated February 19, 2009. Aditya Vikram expired on October 24, 2014. Heirs and legal representative of Aditya Vikram were not made parties in the execution petition being EC No.1016/2015.

After expiry of a period of 12 years from the date of the award, the respondent applied by way of IA No.GA/3/2024 for impleading the heirs and legal representative of the award-debtor Aditya Vikram in EC/1016/2015.

By the impugned order, learned Single Judge allowed such application for impleadment holding that the same was not barred by limitation.

On a holistic reading of the award dated February 19, 2009 along with the order dated June 23, 2008 and the letter dated September 22, 2008, we find that there are reciprocal obligations to be discharged by the parties to the award. The award notes that, the parties settled their disputes on the parameters as noted in the order dated June 23, 2008 and the letter dated September 22, 2008. On a holistic reading of such order and the letter we find that, they contain decrees which are declaratory in nature as also mandatory and perpetual injunctions.

So far as the decree for perpetual injunction is concerned, under the Limitation Act, 1963 the same becomes enforceable on the date and time violation thereof is complained. In the facts and circumstances of the present case, since the execution petition is in relation to an award, which contains, as noted above, both declaratory, mandatory and perpetual decrees, we are not minded to hold that, the non-impleadment of the heirs and legal representative of one of the award-debtors namely, Aditya Vikram at the inception of the execution petition was fatal to the execution petition or that, the subsequent application for impleadment of the heirs and legal representative of the deceased award-debtor namely, Aditya Vikram in the execution petition was barred by limitation.

The extent and manner in which the execution is required to be levied is to be decided by the Executing Court. We leave such issues to be decided by the Executing Court.

With the aforesaid observations, APOT/130/2025 along with connected application is disposed of without any order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)