



(Magma ITL Finance Limited V/s. Tainabai Jalindar Vhanmane-2)

ORDER BELOW EXHIBIT 1 IN
ARBITRATION REGULAR DARKHAST No.115/2020

{OLD ARBITRATION REGULAR DARKHAST No.1092/2018}

{OLD ARBITRATION REGULAR DARKHAST No.131/2015}

1. The matter is nine years old. Decree holder & advocate found absent, when called repeatedly. This is execution petition for execution of award passed in Arbitration No.70609 (before The Sole Arbitrator Debasis Mallick, Kolkata) dated 16/11/2013. After transfer of *Darkhast* to this *Court*, the transfer notice *Exhibit 10* has been issued to decree holder. A perusal of report of the said notice, it can be seen that, the said notice has been received unserved, as office of decree holder has left the address/location.

2. Perusal of the *Darkhast* and address memo, it can be seen that, decree holder given the only address, on which notice were issued. However, decree holder failed to report the *Court* about changed address. Thus, the transfer notice could not be re-issued to decree holder. It is the duty of decree holder to inform changed address. However, decree holder failed to do so. The matter is pending for appropriate steps against judgment debtors. However, decree holder failed to do so. Even, today decree holder failed to appear. No reason found to adjourn further. As such, the order of dismissal has to follow. However, keep for dismissal order on next date as last opportunity to decree holder.

Vita.

Date: 05/07/2024

(Dnyaneshwar S. Patale)

Jt. Civil Judge Senior Division, Vita.

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I affirm that, the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer : S. P. Pethkar.

Court : Jt. Civil Judge Senior Division, Vita.

Judgment/Order signed by

the Presiding Officer on : 05/07/2024.

Judgment/Order uploaded on : 06/07/2024.