

M. Ex. 04 of 2013
CIS 265 of 2014

Order No. 60.

Dated – 18.11.2025

Today is the date fixed for payment of decretal dues, consideration of calculation sheet and hearing of petition u/s 151 of CPC.

Petitioner files hazira. OP files time petition which is heard, considered and rejected.

Ld. Advocate for the Dhr submits that there was claim amount of Rs. 9,73,923.00 for which execution was filed but till date the said amount was not paid. Thereafter, on 16.12.2019, Dhr. Calculated the amount which comes to Rs. 14,43,245/- as on 01.01.2019. In spite of filing the calculation sheet, Ld. Advocate for the Jdr till date has not submitted counter calculation sheet from where the actual amount can be determined as per their claim. As such, the calculation sheet filed by Dhr be accepted as a whole.

Ld. Advocate for the State seek time which is refused by the court.

Heard, considered and after perusing the materials on record, it appears that as per the execution case, the claim amount of Rs. 9,73,923.00 but till date the said amount was not paid. Thereafter, on 16.12.2019, Dhr. Calculated the amount which comes to Rs. 14,43,245/- as on 01.01.2019. In spite of filing the calculation sheet, Ld. Advocate for the Jdr till date has not submitted counter calculation sheet. As Jdr did not file any calculation sheet since giving several opportunities since 2013, as such, this court accepted the calculation sheet filed by the Dhr.

Now, the record is taken up for hearing of petition dated 12.12.2022.

Ld. Advocate for Dhr. Submits that on various cases, Ld. Court was pleased to pass the order of attachment of D.M, Bungalow for satisfying the decretal dues but the said attachment as claimed in the execution application will not satisfy the decretal dues of this case. As such, Dhr be allowed to proceed the case with other mode of execution.

Ld. Advocate for the State raises objection and left the matter on the discretion of the court.

Heard, considered and after perusing the materials on record, this court finds that as Dhr himself intending to seek other mode for execution of decretal amount in place of attachment of D.M, Bungalow for satisfying the decretal dues, as such, this court does not find any reason to refuse his prayer. As such, the prayer of the Dhr is hereby allowed without any order as to cost.

Fix 22.12.2025 for payment.

Dictated & corrected by me

Sd/-

A.D.J

Sd/-

Additional District Judge,
2nd Court, Purba Bardhaman