

Misc Execution (Commercial) Case 02 of 2023

Order No.25

Date:22-07-2025

Today is fixed for SR.

Award-holder takes steps and is further duly represented by its Ld. Counsel who files a petition under section 151 of the CP Code, 1908 praying for correction in order no.24 dated 05.07.2025.

No steps taken by the award-debtor. None appears. None moves. No petition filed.

It is now 12:30 PM.

Record is taken up for consideration.

Heard Ld. Counsel for the award-holder seeking correction of the last order passed by this court. It is the contention of Ld. Counsel that vide last order this court had fixed this date for SR whereas the award-debtor has already entered appearance in the case record.

Perused the case record in this regard. On perusal it gets revealed that the award-debtor has indeed entered appearance in the case. Hence, there is substance in the submission of the Ld. Counsel. Accordingly, order no.24 dated 05.07.2025 stands corrected.

Form J (47) is traced out from the case record. It further appears that instant execution case has been filed by the award-holder within 2 years from the date of the award and the award has remained unexecuted for a period of more than 30 days from the date of the award.

Thus, the record is ready to proceed with execution of the award in terms of O21 R41.

Accordingly, the award debtor is hereby directed to be present in court on the next date along with an affidavit containing the particulars of its assets as per O21 R41(2) of the Code of Civil Procedure, 1908 failing which this court shall be bound to proceed against the award debtor in terms of O21 R41(3) of the Code.

Let a copy of this order be sent to the award-debtor at the registered address.

Fix **11-08-2025** for filing of affidavit if assets by the award-debtor.

Sd/-
(Subhadeep Ray)
Judge, Commercial Court, Siliguri
J.O. Code WB00949