

JO Code No.WB00885
Money EX. 26 of 2016

Order No. 49 Dated: 11-04-2023

Today is fixed for proper steps and further order.

DHR files hazira along with certain documents as per list.

JDR files an adjournment petition on the ground stated therein.

Perused the adjournment application filed by the JDR as well as the documents filed by the DHR.

It is manifest on scrutiny of the record that this court vide Order No. 44 dated 20-07-2022 had directed to DHR to serve a copy of the application dated 28-03-2022 upon the JDR and also files an affidavit in terms of order dated 03-02-2022. This court, vide order No. 39 dated 03-02-2022, had directed the DHR to file an affidavit apprising this court as to whether any stay order passed by the Hon'ble Court against the arbitral award that has given rise to the present case.

The DHR has filed copy of an application dated 28-03-2022, which contents an endorsement of the JDR, acknowledging receipt of the same. The DHR had also filed an affidavit on 25-07-2022, in terms of order dated 20-07-2022, stating that no appeal is pending against the order and neither has any stay order been passed in this regard. Accordingly, the DHR may be deemed to have comply with the directions of this court as passed on 03-02-2022, 20-07-2022 and 25-07-2022. Meanwhile, it is manifest that the JDR has not preferred any appeal against the arbitral award and neither is there any stay order by the Hon'ble Court, which may serve as impediment for the court to proceed with the execution of this case.

The instant Money Execution was instituted in December, 2016. More than 6 years have elapsed since institution of the Money Execution case. Accordingly, I find no further reason to grant any further adjournment to the JDR, purely on the basis of an unsubstantiated contention of JDR that an appeal is pending before the Hon'ble Court. Consequently, the adjournment petition is considered and rejected.

The DHR had filed an application for execution of a decree for an amount of Rs. 7,51,544/- till interest calculated up to 01-07-2017. The JDR is directed to furnish an affidavit of his immovable assets by the date fixed, in order to facilitate execution of the decree.

Fix 30-05-2023 for furnishing affidavit by the JDR regarding his immovable assets.

Dic. & correct by me

A.D.J.

**Addl. District Judge,
3rd Court, Howrah.**