

Misc Execution No.50 of 2023

Order dated 01.12.2023

Today is fixed for E.R of D.W.

Both parties are present by hazira

Heard submission of both sides.

Ld. Advocate for O.P filed fresh vokatnama and petition for dropping this instant case on the ground that as per observation of Ld. Appellate Court the exparte order of interim reliefs has been vacated. Therefore, no justification to proceed with this case. On scrutiny of record of Misc Case No.550/22 it appears that vide order dt. 30.06.23 the order of exparte evidence was modified with cost of R.800/- to be paid by O.P. However, the interim exparte order was not modified. As the appeal being No.59/23 was not admitted by Ld. Appellate Court and no stay order is in force there is no bar to proceed with this case.

No payment made by O.P today.

Petitioner files petition praying for warrant against the O.P. The O.P filed a petition praying for depositing Rs.10,000/- in judicial cash as petitioner refused the same. Considering D.W already issued on 05.08.2023 and huge amount lying due, the prayer of O.P is rejected.

Send copy of this order along with reminder of E.R of D.W to concerned P.S.

BC-II to comply.

Fix 14-03-2024 for E/R of D.W i.d necessary order.

D/C

J.M. 4th Court,

Howrah.