

In the Court of the District Judge, Murshidabad

Present: Sri Partha Pratim Chakraborty
District Judge, Murshidabad
(JO-WB01240)

Arbitration Execution 42/2023

Order No. 07, dtd. 29.04.2025

Today is fixed for report regarding stay and for taking steps.

Ld. Advocate for the petitioner/decreed holder files hazira.

Seen the report submitted by the Dealing Assistant dated 29.04.2025.

Considered.

Let the report be accepted.

In that view of the matter, there is no impediment to proceed with this case.

Heard Learned Advocate for the petitioner/decreed holder.

This instant execution petition has been filed by the petitioner/decreed holder M/S HDB Financial Services Limited under Order 21, Rule 11 of the Civil Procedure Code for execution of the decree passed on 10.01.2022 against the defendant/Judgement Debtors and recovery of Rs. 5,71,327/- along with interest accrued till date @ 18% per annum from the date of reference till realization and other costs of Rs. 800/-..

Although summons of this execution case has been duly served upon Jdr., but he did not turn up. Hence, this case is heard exparte.

I have perused the case record and the award of the arbitrator passed in ACP/HDB/VL/22559. It appears that the respondents/JDRs were directed to satisfy the awarded amount to the tune of Rs. 5,71,327/- lying due to the DHR along with interest @ 18 % p.m. from 18.08.2021 till realization and other cost of Rs. 800/-.

Hence Decree holder filed this instant execution case for realization of the awarded amount along with interest accrued.

Considered entire facts and circumstances, I am of the view that the D.Hr is entitled for realization of a sum of Rs. 5,71,327/- along with interest accrued till date @ 18% per annum from the date of reference till realization and other costs of Rs. 800/- by way of attachment and sale of the Execution Petition Scheduled property. I do not find any ground to refuse the execution of enforcement of Award and dismissal of the Execution Petition.

Hence, an order for attachment of properties mentioned in the schedule of the execution petition shall be passed.

In the result, the Execution Petition is allowed.

Decree Holder is directed to take proper steps in respect of attachment of properties.

To **08.05.2025** for taking appropriate steps by the D.Hr.

Dictated and corrected by me

District Judge, Murshidabad

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