

Money Exn. 47 of 2020

Order No. 1
Dated 07.05.2024.

Ld. Advocate for decree-holder is present by filing hazira.

Date is fixed for hearing of this execution case.

Having heard Ld. Advocate for the petitioner/decreed-holder on the face of the decree filed in this execution case that in terms of the award dated 24-05-2019 passed by the sole arbitrator in pursuance of an arbitration proceeding being no. IM-802 of 2018 between the M/S Sriram Transport Finance Company Limited (claimant) and 1. Ananda Mondal, C/o Nuru Mondal of Vill. & P.O. Ranabandh, P.S. Chapra, District-Nadia and 2. Narayan Ghosh, s/o Lt. Susanta Ghosh of Vill. Gongra, Ghoshpara P.O. Ranabandh, P.S. Chapra, Dist. Nadia and 3. Monoyara Tarafdar, w/o Asan Tarafdar of Vill. Shikra Colony, P.O. Padmala, P.S. Chapra, Dist. Nadia (respondents), the said claimant got an award of Rs. 1,56,693/- together with an interest of Rs. 34,472/- @ 12% p.a. from 01-01-2018 till 31-07-2020.

The respondents having failed to pay the said awarded amount within the stipulated period of time, the instant execution case was filed by the claimant/decreed-holder on 24-08-2020 seeking recovery of Rs. 1,91,165/- together with interest @ 12% per annum from 01-08-2020 till realization along with cost amounting to Rs. 6500/-. Thereafter a notice was issued upon the judgment-debtors which was duly served but they did not appear before the court pursuant to which case was fixed for ex parte hearing.

The said execution case is taken up for hearing.

On perusal of the decree it appears that there have been names of two guarantors but there has been no property description of the guarantors so as to attach the same in terms of satisfaction of the execution dues, save & except the property of the borrower/judgment-debtor. There has been no prayer on the either that there should be an order of attachment so far as the properties of the guarantors are concerned. Therefore, it is implied by the decree itself that the property of the borrower/judgment debtor should only be attached.

In view of the aforesaid discussion, the judgment-debtor is liable to pay the decretal amount and since there has been no record before the court to be satisfied that the decretal amount has already been paid to the claimant, I am of the view that there should be an order of attachment of the properties as described in the schedule of the movable and immovable properties. So, all the properties as described in the schedule of the decree be attached till the satisfaction of decretal dues in connection with the instant execution case to satisfy the execution dues.

Let a copy of this order be sent to Nazir, for attachment of all the movable and immovable properties of the judgment debtors, in terms of the decree, after issuing notice upon the judgment debtors.

Requisites at once.

Fix 10-07-2024 for report

Dictated & corrected by me.

Sd/- S. Sen
District Judge, Nadia,

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District Judge, Nadia.