

EXECUTION CASE NO 06 OF 2026

(C.N.R. NO.WBPS01-000024-2026)

Before: Smt. A. Bhattacharya, Ld. Judge, 5th Bench.

Order No.02

Dated 22.01.2026

Today is fixed for hearing on the point of admission.

Decree holder files hazira.

The record is taken up for hearing on the point of admission.

Ld. Advocate for decree holder submits that a Misc case being no. 159 of 25017 was filed by Judgment debtor u/o 9 rule 13 of C.P.C. which was dismissed on 29.11.2025. The instant execution case has been filed within prescribed time from the date of passing of last order in application between the same parties.

Heard Ld. Advocate for the decree holder.

The case record of Misc case 159 of 2017 is placed before me. It was a Misc case under order 9 rule 13 C.P.C. praying for setting aside of exparte decree filed by Judgment debtor against the decree holder. The said Misc case was dismissed for default vide order no. 90 dated 29.11.2025. It was the last order passed between between the parties. Thus the limitation of two years begins from the said date. The Judgment debtor has not filed any appeal against the said order. No other appeal has been filed by the Judgment debtor challenging the order of dismissal . Thus there remains no requirement to issue notice upon judgment debtor in terms of Order 21 Rule 22(2) C.P.C.

Let the case be fixed for verification and order.

Fix 05.03.2026 for verification and order.

Judge,
[5th Bench]