

EXECUTION CASE NO.169 OF 2023  
(C.N.R NO. WBPS01- 000772-2023)  
Before: Smt. A. Bhattacharya, Ld. Judge, 5<sup>th</sup> Bench.

Order No.19  
04.04.2025

Today is fixed for filing report by the plaintiff/ decree holder and further order.

Both parties file hazira.

Composit decree holder/ defendant has filed an affidavit as to no stay order.

No report has been filed by the plaintiff/ decree holder in compliance of the order dated 09.12.2024.

None moves on behalf of the Plaintiff/decree holder.

Ld. Advocate for composit decree holder/defendant is found present on call.

Heard Ld. Advocate. Perused the affidavit as well as the materials available on record. It is stated in the affidavit that plaintiff / decree holder already obtained possession the decreetal room by way of execution in connection with the Ej. Execution case no 81 of 2008 on 03.04.2017 and then decree holder erected new building as per sanction plan and thereafter avoided to restore possession to the defendant by violation the terms of the composit decree as passed as per Apex Court.

It is further stated by the composit decree holder/ defendant that there is no information as to any stay in any court in connection with the above execution case and no such further proceeding or proceedings is pending in any court of law .

D.A. also noted the there in no stay order has been received from any higher forum of law as per AJR.

Considering the submission of the Ld. Advocate for composit decree holder/ defendant , the affidavit and the materials on record I am of the view that there is no impediment to proceed with the instant execution case.

Accordingly, issue writ of possession.

Fix 19.05.2025 for delivery of possession and 21.05.2025 for bailiff's report.

Dictated & corrected by me

Judge  
[5<sup>th</sup> Bench]

Judge,  
[5<sup>th</sup> Bench]