

EJ. EXECUTION CASE NO. 169 OF 2023  
C. N. R. NO. WBPS01-000772 -2023  
Before Sri M. N. Ghosh, Ld. Judge, 2<sup>nd</sup> Bench.

ORDER NO. 05 DATED 22.03.2024

Ld. P.O. has been transferred.

Today is fixed for clarification by both sides as to the admissibility of the instant Execution case.

Parties have filed haziras through their respective ld. Adocates.

Ld. Advocate for the Petitioner/Composite Decreeholder is present.

None moved for the decreeholder/O.P. on repeated calls. It is now 01.20 P.M.

The record is taken up for hearing.

Heard ld. Advocate for the Petitioner/Composite Decreeholder.

Perused the materials on record.

Considering the submission of ld. Advocate for the Petitioner/Composite Decreeholder, non appearance of the decreeholder/O.P. and the materials on record, it appears that the original decree was passed in the year 23.11.2007 with a direction upon the original Decreeholder to put back possession to the tenant in the reconstructed building within one year from the date of delivery of possession. It further appears from the record that the original Decreeholder/O.P. executed the said decree on 03.04.2017 and got possession of the decretal premises and of the entire suit building on 30.08.2017. It further appears from the record that the direction given in the said judgment to put back the possession obtained by the decreeholder/O.P. to the tenant was not complied with by the stipulated period i.e. within one year from the date of taking delivery of possession and as such, the Petitioner/Composite Decreeholder has come up with the present petition to restore their possession in the reconstructed building. Accordingly, I am constrained to hold that the instant Execution case is well maintainable in law.

Fix 04.04.2024 for verification and order.

Dictated and corrected by me,

JUDGE-IN-CHARGE

JUDGE-IN-CHARGE  
[5TH BENCH]  
J.O. Code No. WB01229