

Present: Smt. Suparna Ray (JO Code: WB00711)
Judge, Commercial Court at Alipore
T. Ex. (Com) 1/2025
Arising out of T. S (Com) 86/2024
CNR No:WBSP18-000122-2025

Order No.04
27.10.2025

In the matter of:
An application Under Order XXI
Rule 10 & 11 read with Section
36 & 151 of the CPC. 1908.

And

In the matter of:
Anita Sunil Punwani.

Vs.

Sass Med Pvt. Ltd. & Ors.

ORDERED

Today is fixed for passing order in respect of maintainability of the instant execution case.

Hazira filed on behalf of the petitioner through Ld Advocate.

Record is taken up for passing order.

I heard the Ld. Advocate appearing on behalf of the petitioner.

I perused the materials of the instant execution case.

Ld. Advocate on behalf of the petitioner cited the judgements of the Hon'ble Court reported in (i)1983 SCC Online Bom 158; (ii) ILR 1998 KAR 4236 and (iii) (2017) 2 SCC 253.

I carefully perused the judgements of the Hon'ble Court cited on behalf of the petitioner.

It appears that the instant execution case is filed by the petitioner under Order 21 Rule 10 and 11 read with Section 36 and 151 of CPC for recovery of outstanding occupational charges.

From the materials on record, it appears that this court vide order dated 07.02.2025 has been pleased to observed as follows:-

“the respondents/defendants to pay the agreed monthly occupational charges at the rate of per month from the 31st July, 2023 and the arrears of lease rent for the period from 1st March, 2023 to 30th July 2023 for an amount of Rs.6,47,500/- and also the occupational charges and lease rent being arrears from the month of August, 2023

to February, 2025. The payment of all aforesaid arrears will carry interest at the rate of 6% per annum payable proportionately with the installments. The arrears are to be paid in 20 equal monthly installments to the plaintiff/petitioner along with the current monthly rent till the liquidation thereof. The current rent (occupational charges and lease rent) will be paid from the month of March, 2025 for all succeeding months till the disposal of the suit. All payments and acceptance will be same as was followed prior to filing of the suit. All payments and acceptance will be without prejudice to the rights and contentions of the parties and shall be adjusted with the damages/mense profits, if awarded, at the time of disposal the suit and against the rent if the suit fails.”

It is the contentions of the petitioner that the O.Ps / respondents till date did not pay any amount in complying the direction of this Court . Accordingly, the instant execution case has been filed by the petitioner. It further appears that the said interim order dated 07.02.2025 is not challenged by the O.Ps till date.

Considering the facts and circumstances, I find that the instant execution case is maintainable at this stage.

Accordingly, issue notice upon the respondents /O.Ps.

Petitioner to file requisites at once. Issue the same after filing.

D.A to do the needful.

*Fixed **06.12.2025 at 10:30 a.m** for S/R and appearance.*

Parties to act on the basis of the downloaded copy of the order sheet from the website /Ecourtapp.

Dictated & corrected by me,

Sd/-

Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram

Sd/-

Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram