

ODSL-1

ORDER SHEET

EC/37/2021

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

M/S CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LIMITED
VS
RAJIB SARKAR AND ORS

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 7th December, 2023.

Appearance:
Ms. Pooja Sett, Adv.
...for the petitioner

The Court: The judgment-debtor no.2, Sukhen Sarkar has been arrested today morning and is produced before the Court. The judgment-debtor no.2 is the co-borrower and the father of the judgment-debtor no.1, who is the principal borrower.

The advocate-on-record of the petitioner/award-holder submits that the principal borrower has been absconding for a long time. Although certain questions have been put to the judgment-debtor no.2, it does not appear, as is also submitted by the advocate-on-record of the petitioner, that a direction for filing of an affidavit of assets by the judgment-debtor no.2 will serve any useful purpose.

It is relevant to state that the judgment-debtor no.2 has deposed that the judgment-debtor no.2 has no information as to the whereabouts of the judgment-debtor no.1.

This Court is accordingly of the view that the warrant of arrest against the judgment-debtor no.2 may be kept in abeyance for the above reasons.

The Court is informed that a warrant of arrest against the judgment-debtor no.1 is already in place. That warrant of arrest may be extended and the concerned police officers are directed to take expeditious steps in that regard.

List this matter in the fourth week of January, 2024, as prayed for.

(MOUSHUMI BHATTACHARYA, J.)