

ORDER SHEET

APOT/67/2025
WITH
EC/634/2018
CS/222/2013

IA NO: GA/1/2025

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

PRADIP KUMAR DAS
VS
PROBIR KUMAR DAS

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
AND
The Hon'ble JUSTICE OM NARAYAN RAI
Date : 26th June, 2025.

Appearance:
Mr. Ayan Banerjee, Adv.
Ms. Debjani Sengupta, Adv.
Mr. Bimalendu Dey, Adv.,
Ms. L. Ghosh, Adv.
..for the appellant

Dictated by Arijit Banerjee, J.

The Court: This matter was mentioned this morning on behalf of the appellant citing urgency and praying for early hearing. The business of the Court did not permit us to accede to such request.

However, this matter has been called on in the usual course. Nobody appears for the respondent.

It appears that the respondent has put in execution a compromise decree passed in a partition suit. The appellant filed an application before the Executing Court challenging the maintainability of the execution

application contending, *inter alia*, that the decree has not become executable as yet. Such application was dismissed. Hence this appeal.

Mr. Ayan Banerjee, learned Advocate representing the appellant, says that the urgency is that the execution application is scheduled to be listed before the Executing Court on July 1, 2025 and without an order of stay, the application may be proceeded with.

Since the respondent is not represented today, we do not wish to proceed *ex parte* with this appeal. However, we request the learned Executing Court to defer the hearing of the execution application for a fortnight for the time being.

List this matter once again on June 30, 2025, under the same heading.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)

bp.