

ORDER SHEET
EC-COM/47/2024
[Old No. EC/253/2019]
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

JM FINANCIAL ASSET RECONSTRUCTION CO. LTD.
VS
SOMNATH MALLIK AND ORS.

BEFORE:
The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA
Date: 27th June, 2024.

Appearance:
Mr. Paritosh Sinha, Adv.
Mr. K.K. Pandey, Adv.
Ms. Enakshi Saha, Adv.
. . .for the petitioner.

The Court: It transpires from the affidavit of service that in terms of the order dated May 13, 2024, notice has been served on the award-debtors indicating that the matter shall be listed for examination of award-debtors. However, even today when the matter is called on for hearing none appears for the award-debtors.

Learned counsel for the award-holder, in his usual fairness, submits that insofar as award-debtor no.2 is concerned, to the best of the knowledge of the award-holder, the said award-debtor has since expired. Insofar as award-debtor no.3 is concerned, as she is a lady, no warrant of arrest can be issued against her. However, the award-holder insists upon issuance of warrant of arrest in respect of award-debtor no.1.

I find from the previous orders passed in the matter, in particular the specific direction dated May 13, 2024 which has been duly communicated to the award-debtors, that the award-debtors are deliberately avoiding appearance before this Court.

Accordingly, warrant of arrest is hereby issued directing the concerned police station to ensure that the award-debtor no.1 is produced personally in Court on July 26, 2024 when the matter shall be listed fairly at the top for passing further orders.

The concerned Superintendent of Police having jurisdiction shall also ensure that the above order is duly complied with.

(SABYASACHI BHATTACHARYYA, J.)

SP/