

ODSL

ORDER SHEET

EC-COM 47 of 2024
(OLD No. EC 253 of 2019)
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE
(COMMERCIAL DIVISION)

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

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 26th July, 2024.

Mr. Paritosh Sinha, Mr. K. K. Pandey, Ms. Enakshi Saha,
Advocates for the award holder.
Mr. Ratul Das, Mr. Sanjeeb Seni, Mr. Yash Deora, Advocates for award
debtor no.1.

The Court : Warrant of arrest was issued against the award debtor no.1 on 27th June, 2024 directing his production before the Court on 26th July, 2024. The award debtor no.1 has appeared voluntarily before the Court. The matter has been brought into the supplementary list on being mentioned as the regular executing court is not available and the determination has been assigned to this Bench.

Mr. Ratul Das, learned Advocate instructed by Mr. Yash Deora, Advocate appears on behalf of the award debtor no.1 with an undertaking to file the Vakalatnama by 2nd August, 2024.

It is submitted on behalf of the award holder that the award debtor no.1 has filed his affidavit of assets as per the previous direction of the Court.

It is submitted on behalf of the award debtor no.1 that he is working at West Bengal Live Stock Department, Jotiakali, Fulbari, Jalpaiguri.

The award debtor no.1, namely, Somnath Mallik son of Dilip Kumar Mallik residing at Jaleswar Tilipara Street, Santipur, Nadia, West Bengal - 741404, as per the details provided in the Aadhaar Card, the original whereof has been produced in Court, shall be permitted to leave the Court premises on the following undertakings to be submitted before the office of the Deputy Sheriff, Calcutta:-

1. That he shall be present before the Bench taking up the execution case on 8th August, 2024;
2. The award debtor no. 1 will be permitted to go back to his work place on filing of the undertaking and shall report to his departmental head at the office on 29th July, 2024 and shall not leave the local jurisdiction of the Police Station wherein he is presently working till 5th August, 2024 and after 5th August, 2024 with the intimation to the departmental head he shall leave the jurisdiction of his work place only to attend the Court proceedings on 8th August, 2024;

Subject to these undertakings being furnished the award-debtor no.1 shall be permitted to leave the Court premises by the Deputy Sheriff. The warrant of arrest issued against award debtor no.1 in terms of the order dated 27th June, 2024 is kept in abeyance till 8th August, 2024.

Let this matter appear on 8th August, 2024 before the regular executing Court.

(ARINDAM MUKHERJEE, J.)