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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
(Ordinary Original Civil Jurisdiction)
ORIGINAL SIDE

EC/285/2018

S.K. SURANA (HUF) REPRESENTED BY ITS KARTA SHANTI KUMAR SURANA
VS
PANKAJ SHAH

BEFORE:

The Hon'ble JUSTICE PARTHA SARATHI SEN

Date : 6th March, 2025.

Appearance:

Mr. Varun Kothari, Adv.
Mr. Jai Kumar Surana, Adv.
...for the decree-holder.

Mr. Prantik Garai, Adv.
Ms. Souma Bhattacharya, Adv.
Mr. Atanu Bhattacharya, Adv.
...for the judgment-debtor.

Mr. Rachit Lakhmani, Adv.
Ms. Pooja Sah, Adv.
...for the Intervenor.

1. The decree-holder, the judgment-debtor and the Intervenor are represented by their respective Counsel.
2. In course of hearing, learned Counsel appearing on behalf of the decree-holder, at the very outset, draws attention of this Court to the earlier order dated October 3, 2024 as passed by a Co-ordinate Bench of this Court wherefrom it reveals that November 22, 2024 was the date fixed for examination of the judgment-debtor.
3. On being asked by this Court, learned Counsel appearing for the judgment-debtor submits before this Court that the judgment-debtor is not personally present.

4. At this stage, learned Counsel for the decree-holder submits before this Court that an appropriate order may be passed for securing the presence of the judgment-debtor to face examination.
5. On careful consideration of the entire materials as placed before this Court, it reveals that the decree which is sought to be executed by filing the instant execution case was passed by the learned decretal Court on June 21, 2017. It reveals to this Court that the instant execution case was filed on July 11, 2018. More than six and half years have passed, but in considered view of this Court, the progress of the instant execution case is very slow.
6. Considering the entire circumstances, this Court directs the Registrar, Original Side of this Court to issue warrant of arrest in the name of the judgment-debtor which is to be executed by the Deputy Sheriff of this Court in accordance with law.
7. At this stage, learned Advocate appearing for the Intervenor submits before this Court that pursuant to the leave granted by the Co-ordinate Bench on October 3, 2024, the said Intervenor has already filed an appropriate application being IA No.GA/1/2025.
8. Such being the position, on consent of the parties to the instant execution case, the said application is treated as on today's list.
9. Let the said application being IA No.GA/1/2025 be listed along with this execution case.
10. Liberty is given to the decree-holder as well as the judgment-debtor to file affidavit-in-opposition against the said application within one week from date; affidavit-in-reply thereto, if there be any, be filed within one week thereafter.

11. Let the matter be listed on March 27, 2025 for production of the judgment-debtor before this Court and his examination.

(PARTHA SARATHI SEN, J.)

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