

ORDER SHEET

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

IA NO. GA/5/2025
In
EC/507/2016

J. H. INDUSTRIAL CORPORATION
Vs
VIJENDRA KUMAR GOEL

BEFORE:

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 24th June, 2025

Appearance:

Mr. Sourojit Dasgupta, Adv.

Mr. Saunak Banerjee, Adv.

Mr. S. G. Muskar, Adv.

...for the decree-holder

Ms. Rupsha Chakraborty, Adv.

...for the receiver

Mr. Subrata Bhattacharya, Adv.

Mr. Balarko Sen, Adv.

...for the judgment-debtor

GA/5/2025

The Court: Learned Advocate for the petitioner/decreed-holder, learned Advocate for the judgment-debtor/opposite party and learned Advocate for the Receiver are present in Court.

Heard learned Advocates.

The petitioner/decreed-holder has prayed that the bank accounts pleaded in paragraph 6 of the affidavit be attached and remitted in favour of the decree-holder to the extent of satisfaction of the judgment and decree dated 7th January, 2016 along with the other prayers.

Learned Advocate for the judgment-debtor submits that part of the principle sum is paid and leave be granted to contest the matter by filing the affidavits.

It is further submitted by the learned Advocate for the judgment-debtor that an appeal was preferred but the same is dismissed for default for which review application has been made.

As there is no stay of the execution proceeding by Appeal Court, this execution case should proceed as it is pending from 2016.

Upon hearing the learned Advocates and considering the facts of the case this Court is of the view that there be an ad interim order in terms of prayer of the master summons dated 19th May, 2025 for a period of 8 weeks. It is clarified that the judgment-debtor/opposite party may incur only the recurring expenditure required for meeting the day to day expenses of the business and not make any other payment to any other creditors or incur any capital expenditure without leave of this Court. Let the affidavit-in-opposition be filed by 15th July, 2025, reply; if any, be filed by 22nd July, 2025.

Let this matter appear on 24th July, 2025 under the heading “Adjourned Motion.”

The judgment-debtor on the returnable date shall also file an affidavit on the bank accounts.

(BISWAROOP CHOWDHURY, J.)