

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Jun-06-2014

Judge : Nadira Patherya

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET CA No.321 of 2014 With CP No.40 of 2009 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction IN THE MATTER OF : M/S.APARNA LIGHTNING INDIA PVT.LTD.AND DEEPAK KUMAR GUPTA BEFORE: The Hon'ble JUSTICE PATHERYA Date : 6th June, 2014.

Mr.Prasenjit Burman, Ms.Puja Beriwal, Mr.S.Bera for purchaser.

Mr.Victor Dutta for State Bank of India.

Mr.B.Mohanty, O.L.appeaRs.The Court : Sale was confirmed in favour of the applicant by order dated 28th March, 2014.

The fiRs.instalment of Rs.1 crore was paid by 31st March, 2014 and part payment of the second instalment was made.

By this application the purchaser seeks to make payment of the balance of the second instalment by 31st May, 2014 and seeks an extension till 31st July, 2014 to make payment of the entire purchase price.

On seeking the presence of the purchaser it now transpires that the purchaser is somewhere in MosCo.and is a nonresident Indian whose address is also not known to Court.

All that has been given is that he is a resident of Chakia, East Champaran, Bihar and at present resides at Monohardas Katra Building, Mahatma Gandhi Road.

No documents have been produced in support thereof and the only reason in calling upon the purchaser to be present in Court is to ascertain his financial condition.

For such purpose in the event payment of Rs.1.21 crores is made to the Official Liquidators office by 10th June, 2014, the purchaser need not be personally present in Court but in the event no such sum is paid, the purchaser is directed to be personally present in Court on 11th June, 2014.

In default a warrant of arrest shall be issued against him and his passport impounded.

Matter to appear in the list on 11th June, 2014.

Urgent certified photocopy of this order be supplied to the parties, if applied for, upon compliance of all requisite formalities.

(PATHERYA, J.) pa

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