

Magma Fincorp Limited. Vs. Era Infra Engineering Ltd.

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Court : Kolkata

Decided On : Aug-26-2014

Judge : Soumen Sen

Appellant : Magma Fincorp Limited.

Respondent : Era Infra Engineering Ltd.

Judgement :

ORDER

SHEET EC No.449 of 2014 IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction ORIGINAL SIDE MAGMA FINCORP LIMITED.

versus ERA INFRA ENGINEERING LTD.BEFORE: The Hon'ble JUSTICE SOUMEN SEN Date : 26th August, 2014.

Appearance : Mr.P.Sinha, Mr.K.K.

Pandey, Mr.S.K.

Singhi, Mr.Priyabrata Patra, Ms.Pritha Bhaumik, Mr.Aryak Dutt, Mr.D.Das, Mr.A.Shah, Adv.Adv.Adv.Adv.Adv.Adv.Adv.Adv.The Court : The National Highways Authority of India (NHAS).is directed to file an affidavit within three weeks from date disclosing the amount payable to the judgement-debt ORS.Mr.P.Sinha, learned counsel appearing on behalf of the decree holder shall

furnish the address of the garnishee Nos.2 to 6 mentioned in paragraph 49 of the affidavits in support of the tabular statement to the joint receivers. The report of the joint receivers show that the judgement-debtors have non co-operated with the receivers during their visit and did not disclose the whereabouts of the asset in question.

The judgement debtors are directed to disclose the whereabouts of the asset in question to the joint receivers within a week from date.

The joint receivers shall ascertain amount payable by the garnishee Nos.2 to 6 and file a report on the returnable date.

In the event the judgement debtor No.1 pays a sum of Rs.50,00,000/- on or before 22.09.2014.

The receiver shall not take actual possession of the asset in question, in default of payment of the aforesaid sum the joint receivers shall take forthwith possession of the asset in question as judgement debtors shall be obliged to co-operate with the receiver in handing over the possession in question.

Any obstruction or failure on the part of the judgement debtors to hand over the asset in terms of the order shall be viewed as interference of the courts of justice and as contempt of Court.

The judgement-debtor shall disclose the whereabouts of the asset namely 2 800AJ BOOMLIFT bearing Product Serial No.300060595 along with its accessories.

There shall be an injunction restraining the judgement-debtors from dealing with or disposing of or alienating or parting with possession or encumbering of the said asset in any manner whatsoever or until further orders. However, in the event the said amount is not paid on or before 22nd September 2014 the joint receivers shall take actual physical possession of the four assets mentioned in paragraph 4 of the petition.

The judgement-debtors shall be duty bound to hand over the said four assets to the joint receivers and or their agent as the case may be.

shall be entitled to The joint receivers a further remuneration of 600 GMs each.

The name of Mr.P.C.Grover, Chief General Manager (Legal) shall be deleted from paragraph 49(i) after NHAS of the affidavit in support of the tabular statement.

The November, 2014.

The matter is interim made order returnable granted on earlier 11th shall continue till 24.11.2014 or until further order whichever is earlier.

(SOUMEN SEN, J.) SBI

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