

02.12.2022
Court No.13
Item No.38
AP

WPA 14339 of 2018
With
IA NO: CAN 1 of 2021

Sukla Biswas @ Smt. Sukla Biswas
Vs.
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Ms. Tiya Ghosh

... For the Petitioner.

Mr. Partha Sarathi Bhattacharyya
Mr. Saikat Chatterjee

... For the Bank.

In Re: CAN 1 of 2021

The applicant Smt. Sumita Biswas Mukherjee @ Sumita Mukherjee in CAN 1 of 2021 is the daughter of the writ petitioner Sukla Biswas @ Smt. Sukla Biswas and the principal debtor Sisir Kumar Biswas.

It is submitted on behalf of Smt. Sumita Biswas Mukherjee @ Sumita Mukherjee that the property under title deed No.1023 dated 21st February 2021 (said property) gifted to her by her mother may remain charged to the bank to secure any outstanding dues under the award in questions against her mother Sukla Biswas @ Smt. Sukla Biswas and her father Sisir Kumar Biswas.

There is an appeal against the award pending against the principal debtor Sisir Kumar Biswas.

In those circumstances, the aforesaid property shall remain charged to the Birbhum District Central Cooperative Bank, towards the outstanding dues, in

addition to any other assets already charged or that may be proceeded against, by the bank.

The applicant Smt. Sumita Biswas Mukherjee @ Sumita Mukherjee her heirs, agents or assignees are hereby restrained from transferring, alienating, encumbering or otherwise disposing of the said property until satisfaction of the loans and advances and dues of the said Sisir Kumar Biswas towards Birbhum District Central Co-operative Bank Limited.

In view of the above, the bank accounts of the applicant Smt. Sumita Biswas Mukherjee @ Sumita Mukherjee with the Central Bank of India, Rampurhat Branch being Savings Bank Account No.3423564783 and R.D. Account No.3600466387 shall be unfrozen.

The Central Bank of India, Rampurhat Branch is directed to allow operation of the said bank accounts standing in the name of Smt. Sumita Biswas Mukherjee @ Sumita Mukherjee.

The aforesaid order is without prejudice to the rights and contentions of the bank against the principal borrower and/or any other co-obligant.

With the aforesaid direction, CAN 1 of 2021 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)