

DL. July 22,
18. 2022

F.M.A. 1404 of 2015

Smt. Taramoyee Mondal & anr.

Vs.

State Bank of India & ors.

The appellants are not represented, nor any accommodation is prayed on their behalf. On the earlier occasion also the appellants were remained unrepresented. However, we propose to decide the question of admission of the appeal on the basis of the materials available on record.

The present appeal has arisen out of an order dated April 23, 2014 passed by the learned Judge, Seventh Bench, City Civil Court at Calcutta, in Title Suit No. 468 of 2012, in connection with an application filed by the defendants/respondents no. 1 and 2, State Bank of India, under Order VII Rule 11(d) of the Code of Civil Procedure praying for rejection of plaint. The said application was filed in view of Section 1(2) and 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act.

In view of provisions of Section 34 of the said Act, the present suit is not maintainable. We fully agree with the observations of the trial court in this regard.

The appeal is, therefore, summarily dismissed under

Order XLI Rule 11 of the Code of Civil Procedure.

There will be no order as to costs.

(Soumen Sen, J.)

dns

(Siddhartha Roy Chowdhury, J.)