

Ct. 05
Item No.19
29.06.2022
(suvendu)

WPA 11412 of 2022

**Mili Pal & Ors.
Vs.
UCO Bank & Ors.**

Mr. Abhirup Chakraborty
.....for the petitioner

Mr. Anjan Chakraborty
.....for the Bank

The affidavit of service is taken on record.

The prayer of the petitioners is for a direction on the respondent Bank to return the original Title Deeds pertaining to the mortgaged property of the petitioners. The materials on record show that the petitioners' predecessor-in-interest, in this case being the husband of the petitioner no. 1 and the father of the petitioner nos. 2 and 3, took a loan from the Bank.

The husband of the petitioner no. 1 thereafter could not be traced for more than a period of seven years. A one-time settlement was entered into between the petitioners and the Bank and the petitioners paid Rs. 28,000/- to the Bank after which a No Dues Certificate was issued by

the Bank on 21.01.2020. The Bank, however, refused to return the original Title Deeds of the mortgaged property to the petitioners.

The defence taken on behalf of the Bank is that there is no evidence of the husband of the petitioner no. 1 actually having died. Learned counsel appearing for the Bank submits that the Bank is waiting for proof in that regard.

After hearing learned counsel, it is astonishing that the Bank has refused to return the Original Deeds to the petitioners on the ground that the death of the husband of the first petitioner is not proved as on date when the Bank accepted the dues from the present petitioners as a one-time settlement. This indicates a clear inconsistency on the part of the Bank and a presumption may be drawn that the Bank has accepted the dues but kept the petitioners in a limbo for the two years. This calls for not only relief being given to the petitioners but costs on the Bank.

WPA 11412 of 2022 is accordingly allowed and disposed of with a direction on the UCO Bank to return the original Deeds of the property mentioned in prayer (a) of the writ petition within a period of two weeks from date. The Bank shall

also pay costs of Rs. 20,000/- to the petitioners within a fortnight from date.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)