

ORDER SHEET

OC-2

APOT/62/2022
WITH AP/39/2022
IA NO:GA/1/2022

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

IN THE MATTER OF:
PRAKASH CHANDRA GUPTA AND ANR.
VS.
M/S. UGRO CAPITAL LTD. AND ORS.
.....

BEFORE:

The Hon'ble JUSTICE I. P. MUKERJI
The Hon'ble JUSTICE ANIRUDDHA ROY
Date : 11th April, 2022

*Mr. Ishan Saha, Mrs. Sananda Ganguli, Mr. S. Roy,
Mr. Tanish Generiwala, Advs...for appellants.*

Mr. Rohit Banerjee, Ms. S. Das, Advs...for respondents.

The Court : We propose to hear out the appeal today, dispensing with all formalities.

This appeal from the judgment and order dated 2nd March, 2022 of a learned single judge in an application under section 9 of the Arbitration and Conciliation Act, 1996. The claim of the respondents/petitioners before the learned trial court arose out of a loan advanced by them to the appellants/respondents of a sum of Rs.25,45,000/-. It was without any security.

We have examined the impugned judgment and order. Since it is an order of freezing the bank account of the appellants and restraining them from dealing with their immovable property, which is a joint family property on a money claim simplicitor, we are unable to support this order. It is also true that the appellants on their own admission have nothing in their bank account. If the respondents get an award they are likely to go high and dry.

We set aside the impugned order as regards appellant nos.1 and 2, recording the assurance of Mr. Ishan Saha, learned advocate on behalf of the said parties, on instruction, that the said appellants will not deal with their share in the immovable property, without the leave of this court.

The appeal and the connected application are disposed of accordingly.

(I. P. MUKERJI, J)

(ANIRUDDHA ROY , J)

pkd.