

July 27, 2023
Sl. No.11
Court No.19
s.biswas

CO 2477 of 2023

Dinesh Agarwal

vs.

*Fullerton India Home Finance Limited, a non banking
financial company and others*

Mr. Sounak Bhattacharya

Mr. Sounak Mondal

... for the petitioners

Mr. Soumalya Chakraborty

... for the opposite party

This court does not find it necessary to interfere with the order dated July 10, 2023, passed by the learned Debts Recovery Appellate Tribunal at Kolkata, in Appeal No.428 of 2023. However, in view of the circumstances, which have been pleaded that the opposite party no.1, a non-banking financial company, is taking away the furniture, fixture and other materials lying in the alleged mortgaged property, this court is of the opinion that the petitioner's prayer for interim protection/stay should be decided on the next date fixed by the learned appellate Tribunal.

The learned appellate tribunal is requested to hear out the stay application and dispose of the same within August 7, 2023.

The points raised in this application shall be agitated before the learned tribunal.

It also appears that the petitioner has approached the Officer-in-Charge, Gariahat Police Station, complaining about the attempts at

dismantling and disposing of the furniture and fixture. The remedy before the police authority is not interfered with.

As this court has not gone into the merits of the revisional application and the direction which has been passed, is in consonance with the order which has been passed by the learned appellate tribunal, the application is disposed of in the absence of the opposite parties.

The revisional application is thus disposed of.

This order shall be communicated to all the opposite parties, immediately.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)