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01.03.2023
d.p.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**W.P.A. 2848 of 2022
With
IA No. CAN 1 of 2022**

**Sheli Singh @ Sheli Das Singh
-versus
The State of West Bengal & Ors.**

**Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik.
...For the Petitioner.**

**Mr. Bikramaditya Ghosh,
Mr. Momenur Rahman.
...For the State.**

In Re: CAN 1 of 2022

The petitioner prays for recalling the order dated 10th November, 2022 dismissing the writ petition for default.

I have perused the application filed by the petitioner for restoration and being satisfied with the grounds mentioned therein for non-appearance of the learned advocate for the petitioner on the day when the matter was taken up for consideration by the Court, recall the order dated 10th November, 2022.

WPA 2848 of 2022 is restored to its original file and number.

The application being IA No. CAN 1 of 2022 is disposed of.

In Re: WPA 2848 of 2022

The petitioner alleges that his son and daughter-in-law have intentionally and deliberately mortgaged the property of the petitioner with the State Bank of India, Jalpaiguri Branch and presently not clearing the loan amount. The bank is putting pressure upon the petitioner for repayment of loan. Taking advantage of the said situation, her son and daughter-in-law are threatening the petitioner to transfer the property in question in their names.

The petitioner claims to have lodged several complaints before the police and alleges that none has been taken up for consideration till date.

None appears on behalf of the son and daughter-in-law of the petitioner and the bank authority. There is no proof of service of the petition upon the private respondent and the bank.

Learned advocate appearing for the State respondent submits, upon instructions that, the petitioner being a partner of one Om Builders took loan from the bank and as the loan has not been repaid, the bank has given notice to the partnership firm for repayment of the loan amount.

The petitioner has come up with the story of torture and harassment at the hands of her son and daughter-in-law to avoid repayment of the loan amount.

From the submissions made on behalf of the petitioner and the State respondents and upon perusal of the materials on record, the present writ petition is

disposed of by directing the Officer-in-Charge, Kotwali police station to ensure that no harm is caused to the life and property of the petitioner.

The writ petition stands disposed of.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)