

OD-2

ORDER SHEET

WPO/51/2023

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MRS. BARNALI NATH
VERSUS
RESERVE BANK OF INDIA AND ANR.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 13th February, 2023.

Appearance:

Mr. Pranit Bag, Adv.

Mr. Anuj Kr. Mishra, Adv.

Mr. Sumit Mishra, Adv.

..for the petitioner

Mr. Shashwat Nayak, Adv.

Mr. Santosh Kr. Ray, Adv.

Ms. Antalina Guha, Adv.

..for UCO Bank

The Court: Learned counsel appearing for the petitioner does not press for any relief with reference to notices issued by the Bank under the provisions of the SARFAESI Act, 2002. The only relief prayed for is for a direction on the respondent no.2, UCO Bank, to hand over the mortgage, loan and insurance documents to the petitioner in terms of a letter written by the petitioner's lawyer to the Bank on 22nd December, 2022.

The petitioner says that the Bank gave a loan to the petitioner's deceased husband and that the petitioner's residence was offered as

collateral as security for the loan. The residence is in the joint names of the petitioner and her deceased husband.

The petitioner hence is unable to file an appropriate proceeding before the Debts Recovery Tribunal against a notice issued by the Bank under Section 13(2) of the 2002 Act.

Upon hearing learned counsel, this Court is of the view that the Bank should be directed to make over these documents to the petitioner so that the petitioner can seek appropriate relief before the designated statutory forum.

WPO/51/2023 is disposed of with a direction on the respondent no. 2 to make over all the loan, mortgage and insurance documents (if available to the Bank) in relation to the property in question to the petitioner within two weeks from date.

It is made clear that the Bank shall not take advantage of its inaction from December, 2022 onwards in terms of handing over these documents to the petitioner before any other forum.

(MOUSHUMI BHATTACHARYA, J.)

bp.