

Form No. J.(2)
Item No.3

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 28.08.2024

DELIVERED ON: 28.08.2024

CORAM:

**THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

F.M.A. 263 of 2023

With

IA No. CAN 1 of 2023

Bajaj Housing Finance Limited & Anr.

Vs.

Rajeev Jhunjhunwala & Ors.

Appearance:-

Mr. Satarup Banerjee

.....For the Appellants

Sk. Md. Galib

Ms. Jyotsna Roy Mukherjee

.....For the State

Mr. Jibantaraj Dan Roy

Ms. Champa Pal

.....For the Respondent No.1/Writ Petitioner

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. We have heard Mr. Satarup Banerjee, learned advocate for the appellants, Mr. Jibantaraj Dan Roy, learned advocate for the first respondent/writ petitioner and Sk. Md. Galib, learned counsel for the State.
2. Learned advocate for the appellants would submit that the appeal has virtually become infructuous in the light of the fact that after the writ petition in W.P.A. 4393 of 2023 was disposed of by the learned Single Bench by the impugned order dated

23rd February, 2023, the first respondent/writ petitioner has moved the Debts Recovery Tribunal – III, Kolkata and obtained certain orders.

3. Therefore, it is for the appellants/NBFC, which should be entitled to canvass all issues before the learned Debts Recovery Tribunal.
4. Accordingly, appeal along with the connected application (IA No. CAN 1 of 2023) stand disposed of leaving it open to the parties to agitate their rights before the learned Debts Recovery Tribunal – III, Kolkata and all issues raised by the appellants in this appeal and that which may be raised by the first respondent/writ petitioner in defence are left open to be agitated before the learned Debts Recovery Tribunal.
5. It is submitted by Mr. Banerjee that the learned Debts Recovery Tribunal may be requested to give some preference to the matter as the matter has been pending for nearly a year.
6. All that we can do is to make a request to the learned Debts Recovery Tribunal – III, Kolkata to hear the matter at the earliest possible convenience of the learned Tribunal.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)