

17.09.2025
Court No.13
Item Nos. 14
pk

MAT 375 of 2018
CAN 4 of 2025
CAN 5 of 2025

Matem Mondal
Vs.
Bangiya Gramin Bikash Bank & Ors.

Ms. Juin Dutta Chakraborty,
Ms. B. Modak,
Ms. Arpita Kundu.

..for the appellant.

Mr. Baidurya Ghoshal,
Mr. Saikat Mukherjee,
Ms. Anupama Biswas

..for the Bank.

1. All applications for condonation of delay and seeking recall of the order dated 13.03.2020 are allowed. All delays in filing the applications are condoned.
2. CAN 4 of 2025 and CAN 5 of 2025 are allowed.
3. The appeal itself shall be considered for hearing.

Re: MAT 375 of 2018

4. The appeal is directed against a judgement and order dated 10.01.2018 passed by the single bench of this Court. It appears from the facts that since after sanction of loan to the appellant by the respondent bank, the appellant changed the nature and character of the mortgaged property by gifting a portion thereof to his son. The bank was therefore within its rights to refuse to disburse the loan-in-question.

5. Be that as it may, a contract between a bank and a borrower is purely in the realm of private law. There is no public law element involved in the private decision of a bank in refusing to advance a loan to a borrower.
6. The writ petition itself was not maintainable before the single Bench.
7. In those circumstances, the instant appeal shall stand dismissed.
8. There will be no order as to costs.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)