

30.06.2025

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FMA 17 of 2025

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IA No.: CAN 1 of 2024

Amit Chakraborty

– *Versus* –

Manasi Mondal & Others

Mr. Anuj Singh,

Mr. Sourojit Dasgupta,

Ms. Rupal Singh,

Mr. Ashok Kr. Singh

... for the Appellant.

Ms. Parna Roy Choudhury

... for the Respondent nos.1 & 2.

Ms. Susmita Chatterjee,

...for the Respondent no.5.

Let the affidavits, filed by the respondent nos.1 and 2 and the appellant, be kept on record.

This is an appeal from an order of September 6, 2024 passed in a contempt proceeding which has practically lost all force since the order has been complied with by the appellant on the very same date (i.e., September 6, 2024).

Mr. Singh, learned advocate appearing for the contemnor/appellant has argued that the possession of the subject property had been taken prior to passing of the order on March 6, 2024, even if by a meager one minute. He also apprehends that the order passed in the contempt application may somewhat prejudice his case before the Debts Recovery Tribunal, Kolkata which is still pending consideration.

Ms. Roy Choudhury, learned advocate appearing for the respondent nos.1 and 2 has argued that Rule issued in

the contempt petition was against the police authority and not against the contemnor / appellant.

Having heard the learned advocates appearing for the respective parties and considering the materials on record, we are not inclined to interfere with the order of September 6, 2024, especially since the matter is pending before the Debts Recovery Tribunal for final adjudication of the disputes between the parties. So much is admitted, that presently, the respondent nos.1 and 2 are in possession of the subject property, which had been handed back by the appellant/contemnor as an authorised Officer of the financial institution in compliance with the directions passed by the learned single Judge on September 6, 2024.

The application filed under Section 17 by the respondent nos.1 and 2 is pending adjudication before the Debts Recovery Tribunal - III, Kolkata. The Debts Recovery Tribunal - III, Kolkata will proceed uninfluenced by the orders passed by the Hon'ble High Court at Calcutta in the writ petition and in the contempt petition as well as the present order and dispose of the matter at the earliest.

The appeal and the application are disposed of without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)