

18.05.2026
SL No.7
Court No.12
(gc)

MAT 805 of 2026
CAN 1 of 2026
CAN 2 of 2026

Rajesh Kumar Jha
Vs.
The South Indian Bank Limited & Ors.

Mr. Supratic Roy,
Mr. Shuvajit Roy

...for the Appellant/Applicant.

Mr. Shiv Mangal Singh

...for the Respondent/Bank.

1. Affidavit of service is taken on record.
2. CAN 1 of 2026 is an application for leave to appeal. According to the applicant, the goods of the applicant are lying in the premises in respect of which the bank has already secured an order under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act.
3. It is submitted by the applicant that an application for leave to intervene had been filed before the learned Trial Judge, but the learned Trial Judge did not consider the said application. Hence, this application has been filed for leave to appeal from the order of His Lordship, allowing the bank to take possession of the property in question.

4. Accordingly, the application for leave to file appeal is allowed.
5. The appeal is registered.
6. The appeal has been preferred against the order dated April 9, 2026 passed in WPA 5840 of 2026.
7. In our view, whether the applicant's/appellant's goods are actually in the premises or not, cannot be gone into in this proceeding. However, the applicant is at liberty to approach the bank with a notice to the borrower, that he intends to remove his articles and if the applicant can prove his ownership in respect of the said goods/articles, the bank will prepare an inventory and allow the applicant to remove such goods.
8. However, if the bank is in doubt as to the true ownership of the said articles or if there is an adverse-claim with regard to those articles, the bank shall remove the same in the presence of the police authorities, the applicant and the borrower, and keep them in safe custody upon preparing an inventory. The copies of the inventory list shall be supplied to the applicant. The articles shall then be handed over to the party, upon ownership being decided.

9. Accordingly, the appeal and the connected application are disposed of.

10. There shall be no order as to costs.

11. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)