

OD-10

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

APO/98/2025
With CS/719/1981

THE HANUMAN ESTATES LIMITED
-VS-
PUNJAB NATIONAL BANK

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

-AND-

The Hon'ble JUSTICE MD. SHABBAR RASHIDI

Date: January 20, 2026.

Appearance:

Mr. Rohit Banerjee, Adv.

Mr. Amit Meheria, Adv.

Ms. Paramita Banerjee, Adv.

Mr. Tamoghna Chattapadhyay, Adv.

...for the appellant

Mr. Pankaj Mr. Mukherjee, Adv.

..for Punjab National Bank

The Court : Appeal is at the behest of the plaintiff.

Appeal is directed against an order dated June 22, 2023.

By the impugned order, learned Single Judge, dismissed the application of the appellant seeking redemption of a mortgage.

The suit of the appellant as a plaintiff is for decree of declaration that the mortgage created by deposit of title deeds in respect of premises no.19, R. N. Mukherjee Road, Kolkata-700001 stood redeemed with effect from January 24, 1978 and that the agreement of guarantee is void, inoperative and unenforceable.

Redemption of mortgage by an interlocutory application was not allowed by the learned Trial Judge on the finding that, the issue as to

whether, mortgage stood redeemed or not was required to be decided at the trial of the suit.

Learned Trial Judge also noted that in the event the title deeds are directed to be returned prior to adjudication of the issues involved in the suit, the same will tantamount to release of the mortgage security.

As noted by the learned Single Judge, relief of redemption if permitted today, will tantamount to disposal of the suit in its entirety. We are of the view that the parties should be allowed one opportunity to contest the issues raised in the suit by adducing evidence.

We do not find any ground to interfere with the impugned order.

In such circumstances, APO/98/2025 along with connection application are disposed of without any order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)