T.S. 518 of 2023
CNR WBBD080006422023

Order no. 18 dt. 03.07.2025

Today is fixed for ex parte argument.

Plaintiff files hazira.

Argument heard in full.

This is a suit for declaration with consequential relief of permanent injunction.

The facts of the suit, as unfurled by the plaint, inter alia, are that the plaintiff took a personal loan from defendant amounting Rs.3,47,000 in September 2019. That as per the loan agreement the defendant directed the plaintiff to pay Rs.13756 as an EMI. That being a diligent customer of defendant, the plaintiff has already paid the the said EMIs till January 2023 amounting to Rs. 5,36,484. That it is an admitted fact from February 2023 some irregularity occurred which is purely unintentional on the part of the plaintiff. That due to some extreme financial exigencies , irregularities occurred in the payment of EMI in respect of the said loan amount. That as such the plaintiff requested the defendant to give them few months and prayed not to declare the loan account of the plaintiff as NPA and they assured the that they would not take any coarse action against the former. That some agents of the defendant suddenly on 27.07.2023 came to the house of plaintiff and directed to repay the remaining loan amount but on denial the direction of the defendant by the plaintiff due to exigency of money, the agents of the defendant said that for failing to repay the loan amount, the loan accounts to be declared as NPA within one week. As such, the cause of action arose on 27.07.2023 and the plaintiff compelled to file this suit.

After institution of this suit also, summons was issued upon the defendant through ordinary as well as substitutive mode (paper publication) but neither he appeared nor he contested the suit further. So the suit proceeded ex parte against him.

Contd…..Order no. 18 dt. 03.07.2025

Here, plaintiff Aparesh Biswas deposed as PW-1.

The following documents had been marked as exhibits on behalf of the defendants.

Exhibit – 1 – E-bank statement in respect of loan account no. 188002310556940.

Exhibit – 2 – Aadhaar card being no. 571816619985.

Heard the contentions of Ld. Counsel for the plaintiff. Perused the materials on record and other documents along with the pleading. Considered.

A perusal of the case record shows that the relief has been prayed against the bank regarding a loan which automatically draws the jurisdiction of DRT in view of the SARFAESI Act. Moreover, the plaintiff has failed to file any loan agreement or the E-bank statement of the entire period when the EMIs were paid. In these facts and circumstances, neither the suit can be held maintainable nor the plaintiff could substantiate any of his claim.

C.F paid is correct.

Hence it is

ORDERED

that the suit and the same **be dismissed ex parte without any order as to cost.**

The suit is disposed of.

D/A is directed to note down the same in the germane register and CIS.

D & C by

Sd/-	Sd/-
Civil Judge (Junior Division) Addl Court Asansol, Paschim Bardhaman (WB01333)	Civil Judge (Junior Division) Addl Court Asansol, Paschim Bardhaman (WB01333)