

*Insolvency Case No 20 of 2023  
WBSP 01-001806-2023*

**Order No.05**

*24.02.2023*

*The record is put up on the prayer of the Creditor/petitioner.*

*Heard Learned Advocate for the Creditor in respect of application u/s 5 Provincial Insolvency Act, 1920.*

*It is submitted that the Debtor/Opposite party has taken loan from the Creditor in two occasions and executed promissory note but in respect of the repeated requisition, the Debtor has not paid the said amount. The Creditor had issued notice through his Learned Advocate on 18.07.2022 stating all the facts but inspite of the same, the Debtor failed to pay any amount to the Creditor.*

*Finding no other alternative the Creditor again on 17.01.2023 with his men and agents visited the office of the Debtor for making demand. Again on 19.01.2023 the Creditor went to the Office of the Debtor and demanded the loan amount but the Debtor started to abuse the Creditor in filthy languages and denied to pay the loan amount and threatened that he will take voluntarily retirement at any point of time and for this he had already started the procedure with the help of Disbursing Authority for receiving his entire voluntary retirement benefit.*

*In the above circumstances, the Creditor prays for direction upon the Municipal Commissioner, Kolkata*

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*Municipal Corporation of 05, S.N. Banerjee Road, Kolkata-700013 to realize a sum of Rs. 6000/- per month from the monthly salary of the Debtor till realization of the claim amount and to withhold the realized amount in the custody of the Disbursing Authority.*

*On further perusal of the documents and submission of the Learned Advocate, I do not find any necessity to pass any interim order to withhold the said amount of the Debtor at this stage.*

*Thus the prayer for interim relief to withhold the amount monthly from the salary of the Debtor is hereby refused.*

*Issue notice accordingly.*

*To date **05.07.2023** for SR/AD.*

*D/Corrected by me.*

*Additional District Judge*

*Additional District Judge  
3rd Court, Alipore*