

Insolvency Case no. 90 of 2025
(CNR: WBSP01-010505-2025)

Order No.13 dated 04.08.2025:

Today is fixed for hearing.

The creditor/ petitioner files hajira.

Heard the petition.

Record is taken up for passing order.

The Ld. Counsel for the petitioner prays for moving the application for passing order under Section 5 read with Section 20 & 21 of the Provincial Insolvency Act, 1920.

It is submitted by the petitioner that the husband of the debtor/O.P. no. 1 Sandip Mondal (now deceased) who was an ex-employee of Shyama Prasad Mukherjee Port Trust, had executed a promissory note in favour of the petitioner dated 18.12.2023 and received a sum of Rs.4,00,000/- as an accommodation loan with interest. Altogether the husband of the debtor/O.P. no.1 Sandip Mondal received a total sum of Rs.4,60,000/- from the creditor/petitioner and Sandip Mondal died on 21.01.2025 and now legal heirs of said Sandip Mondal is the debtor / O.P no. 1 Smt. Anima Mondal and she is entitled to get her husband's all death cum retirement benefit money from the office of her husband according to law and she is also liable to repayment all her husband's liabilities according to law.

But the debtor / O.P. no. 1, however, failed to repay the loan till date as mentioned above even after repeated demand and in spite of receipt of the demand notice she deliberately suspended the payment in favour of the petitioner. Now, the petitioner due to good reason believes that the O.P. no.1 may leave the local jurisdiction of the Court anytime by depriving him of the money. The creditor / petitioner has been able to ascertain that the O.P. no. 1 an amount of Rs.4,60,000/- is likely to be paid by the disbursing authority, the employer of the deceased husband of the O.P. no.-1, The F.A. & C.A.O., Shyama Prasad Mukherjee Port Trust, 15, Strand Road, Kolkata-700001 and the petitioner prays for passing an order to realize a sum of Rs. 4,60,000/- only out of salary, arrears of salary, commutation money, leave wages, bonus and other death benefit money from the account of the husband of the debtor / O.P no. 1 (now deceased) who was an ex-employee of the Shyama Prasad Mukherjee Port Trust, till realization of the petitioner's claim and to withhold the realized amount in his custody till disposal of this case.

Heard. Perused through the record and the documents filed.

I have perused the photocopy of documents filed by the petitioner today. As Section 5 of the Provincial Insolvency Act is based on the powers of the Civil Court, relying on the principles of the C.P. Code governing protective temporary orders to prevent injury to the petitioner/plaintiff, I accordingly hold that the

petitioner has a prima facie case which can be substantiated. Hence, he can be given the protection of temporary relief prayed for by him.

Considering all, hence, it is,

o r d e r e d

that the petition under Section 5 read with Section 20 & 21 of the Provincial Insolvency Act,1920 dated 23.07.2025 is allowed.

Let there be an order for withholding the amount of Rs.4,00,000/- from the death benefit money of the husband of the debtor / O.P no. 1 namely Sandip Mondal (now deceased) who was an ex-employee of Shyama Prasad Mukherjee Port Trust till disposal of the case.

The Disbursing Authority i.e. The F.A. & C.A.O., Shyama Prasad Mukherjee Port Trust, 15, Strand Road, Kolkata-700001 is directed to withhold an amount of Rs.4,00,000/- from the death benefit money of the husband of the debtor / O.P no. 1 namely Sandip Mondal (now deceased) and is prohibited to release such amount to the opposite party no.1 till further orders.

Let a copy of this order be sent to The F.A. & C.A.O., Shyama Prasad Mukherjee Port Trust, 15, Strand Road, Kolkata-700001 for information and necessary compliance.

Petitioner to file requisites for service of notice.

To date i.e,**11.12.2025** for appearance and S/R.

Dictated and corrected by me

Additional District Judge
3rd Court, Alipore

Additional District Judge
3rd Court, Alipore