

OD-14

ORDER SHEET  
IN THE HIGH COURT AT CALCUTTA  
Ordinary Original Civil Jurisdiction  
(Via Video Conference)

IA No.: G.A. No. 1 of 2021  
In C.S. No. 150 of 2020

KRISHNA KUMAR BHATTER  
VERSUS  
SUDHA KANKARIA

BEFORE:  
The Hon'ble JUSTICE DEBANGSU BASAK  
Date: 22<sup>nd</sup> March, 2021.

*Appearance:*  
*Mr. Rupak Ghosh, Adv.*  
*Mr. Ranjit Kr. Basu, Adv.*  
*Mr. Ayan Dutta, Adv.*  
*...for the plaintiff*

*Mr. Probal Kr. Mukherjee, Sr. Adv.*  
*Mr. S. Goswami, Adv.*  
*Mr. Debrup Bhattacharya, Adv.*  
*...for the defendant*

The Court: - In a suit for recovery of money lent and advanced the plaintiff seeks various interim reliefs.

Learned Advocate appearing for the plaintiff submits that, originally the money was lent and advanced to the late husband of the defendant. Subsequent to his death the defendant acknowledged the liability in writing. The defendant did not repay the loan. The plaintiff recalled the loan. He submits that the defendant owns diverse immovable properties as described in paragraph 17 of the petition. The defendant is likely to alienate such immovable properties so as

to make the same unavailable to the execution of the eventual decree that may be passed in the instant suit, unless restrained. Learned Advocate for the plaintiff submits that the plaintiff applied for licence under the Bengal Money Lenders Act, 1940 and paid the penalty.

Learned Senior Advocate appearing for the defendant that, the suit is not maintainable in view of the plaintiff not having requisite licence under the provision of the Bengal Money Lenders Act, 1940. He disputes the contention of the plaintiff.

In the facts of the present case, prima facie it appears that there are confirmations of accounts by the defendant. There is also an allegation in the petition that the defendant is likely to create third party interest in respect of the immovable properties concerned.

In such circumstances, it would be appropriate to restrain the defendant from creating any third party rights over and in respect of premises No.87, Lenin Sarani, Kolkata-700013 without obtaining prior leave of the Court.

Let affidavit-in-opposition be filed within two weeks from date, reply thereto, if any, be filed within two weeks thereafter.

List this application under the heading "Adjourned Motion" four weeks hence.

(DEBANGSU BASAK, J.)