

OCD -20

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/547/2025
CLASSIC LEASING AND FINANCE LIMITED
VS
PADAM GUPTA

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 30th July, 2025.

Appearance:

Mr. Swatarup Banerjee, Adv.

Ms. Debjani Sengupta, Adv.

Mr. Rajib Mullick, Adv.

Ms. Divya Agarwal, Adv.

.... for the petitioner

The Court: This is an application for interim injunction, restraining the respondent from alienating and or changing the nature and character of immovable property and also for attachment of the bank account. The petitioner contends that in terms of the Memorandum of Understanding between the parties, a sum of Rs. 25 lakhs had been extended to the respondent. It is submitted that two flats bearing no. 103 and 203 situated at beingholding no. 190 and 190/1, Shibpur Road, P.S. Shibpur, Howrah had been mortgaged to the petitioner by a registered deed. The said flats had been

sold and there is an admission to such effect in the letter dated 13th March, 2025.

The Court is prima facie convinced that this is a good case for protection of the amount lent by the petitioner by way of loan as there is a risk of the respondent alienating other properties. The admission of execution of the mortgage deed and sale of the mortgaged property are available prima facie from the documents.

This Court deems it fit to pass an ad interim order of injunction at this stage till 20th August, 2025 without hearing the respondent because substantial amount of money as a loan has been given to the respondent and the respondent has not repaid the same. Instead, the respondent has sold the mortgaged property.

Under such circumstances, the petitioner seeks an order of injunction upon the other properties of the respondent. Such order is passed by restraining the respondent by an ad-interim order of injunction from alienating the following properties:

“a) The entire first floor of the under-construction building including the flats to be constructed thereto situated at a piece or parcel of Mokorari Mourashi Bastu Land measuring an area 3 Cottach 4 Chittacks 48 Sq. Ft. land area situated at Mouza Shibpur, Dag No., Khatian No. 297 Ward No 38, holding no. 30, College Road, Post B Garden, Ps. A G C Bose Road B Garden, Howrah 711103, that

would form a part of the allocation of the Borrower herein being the Developer therein in accordance with the Howrah Municipal Sanction Plan in terms of the said Development Agreement (hereinafter referred to as “First Secured Property”).

b) a flat being No. 403, measuring about 860 Sq. ft. including Super Build up Area on the fourth floor consisting of Two Bed Room, one Kitchen Cum Dining, Two Toilet, from Developer’s allocation, with lift facility of the Building situated at the premises being Howrah Municipal Corporation Holding No. 190 and 190/1 Shibpur Road Howrah 711102, under H.M.C. Ward No. 37, inclusive of pro-proportionate super built up area therein along with all right of undivided proportionate, impartible share in the Land underneath the said Flat free from all encumbrances and rights of easements and appurtenances shown and delineated in the Plan annexed thereto (hereinafter referred to as “Second Secured Property”). (Both the above properties shall hereinafter be collectively referred to as the “Secured Property”).

The prayer for attachment of the bank account will be decided later. This application will be served upon the respondents. Affidavit of service to be filed on the next date.

Let this matter made returnable on 18th August, 2025.

(SHAMPA SARKAR, J.)