

KOLKATA DEBTS RECOVERY TRIBUNAL NO. 2**ORDER SHEET
(Continuation)**

OA/328 of 2024

UCO Bank

Case No. _____

Vs

Mrs. Archana Yanda & Anr.

Date of Order	Order with Signature	Office action with date and dated Signature of parties when necessary
13 03.10.2024	Counsel for the parties: Ms. Farida Yasmin, Ld. Advocate appears for the Applicant Bank. This O.A. case has been filed by the applicant Bank on 30.10.2021 for recovery of the dues amount of Rs.22,76,120.00 (Rupees twenty two lakhs seventy six thousand one hundred twenty) inclusive of interest calculated upto 22.09.2021. Though the case is secured by creation of equitable mortgage of immovable property (Schedule at page 16 and para 3A at page 8 of OA) but there is no unsecured debt amount is showing in para 3A of OA. So far as the limitation is concerned, the defendant No.1 has created equitable mortgage in respect of her immovable property by depositing original title deed by way of an Affidavit alongwith Form of Undertaking cum Power of Attorney both dated 25.01.2018.. As per law 12 years period from the date of mortgage is available to the applicant Bank to enforce it's claim (Article 62 Schedule I of Limitation Act); hence, on the basis of mortgage created on 25.01.2018, the claim / original Application is filed well within the period of limitation as-prescribed u/s 24 of RDB Act, 1993 (as amended from time to time), and thus admitted for hearing and the following order is passed : - 1. Issue summons/Notice to the Defendants by Speed post as well as by <i>dasti</i> returnable in four weeks. The Applicant is directed to file proof of service on next date of hearing. Summons/Notice will have to be accompanied by copy of the O.A. with annexure. 2. The prayer of the applicant regarding injunction and disclosure is allowed. 3. Defendant(s) are directed :- (i) To show cause within thirty days of the service of summons/notice as to why relief prayed for in the O.A. should not be granted and further direction is made to the defendant(s) to disclose the particulars of the properties and assets other than the properties and assets mentioned in the O.A. Application of the applicant.	

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13 03.10.2024	4. In the meantime:- (i) The defendants are restrained from dealing with or disposing of secured mortgaged assets or such other assets and properties disclosed in Para 3-A of the OA., and also not to alienate, dispose or transfer the said property to third party, pending hearing and disposal of the application for attachment of properties. (ii) The defendant(s) shall not transfer by way of sale, lease or otherwise, except in the ordinary course of his business any of the assets over which security interest is created and/or other assets and properties specified or disclosed in Para 3-A of the Original application without the prior approval of the Tribunal ; (iii) The defendant(s) shall be liable to account for the sale proceeds realized by sale of secured assets or other assets and properties in the ordinary course of business and deposit such sale proceeds in the account maintained with the Bank/F.I holding security interest over such assets. 5. The Defendant(s) are at liberty to file the written statement within 4(four) weeks as prescribed under section 19(5) of RDB Act 1993. Copy of this order be given to the Applicant Bank to serve the same on the defendant(s) along with Summons / Notice(s) and a copy of the OA along with Annexure(s). Let this matter be fixed before the Ld. Registrar on 27.02.2025 for service of summons as well as completion of pleadings. Order be uploaded on the Tribunal's website.  (Arbind Madhav) Presiding Officer DRT-2, Kolkata	

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