

CONTD. ORDER-SHEET

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CASE NO.....

DATE	DESCRIPTION OF ORDER	REMARKS
O.A.499/2023 Date: 26.05.2023 Sl. No.10	Ld. Counsel Sri R.P. Pal is present on behalf of the applicant bank. It is a fresh OA, filed on behalf of applicant bank. Registry is directed to issue notice to the defendants to show cause within 30 days of the service notice as to why the relief(s) prayed for should not be granted in favour of applicant bank. Notice shall be served by officials of applicant bank. Notice shall be served by officials of applicant through prescribed modes including the registered post as well as email/whatsapp etc. Due to COVID-19 circumstances, the Registry shall forward the notice to the applicant bank for onward service to the defendants. After service, the applicant bank shall file affidavit of service in the Registry. Written Statement be filed by the defendants in accordance with the provisions provided in the RDB Act, with directions to supply advance copy of the same to the Ld. counsel for applicant bank. Ld. Counsel for applicant bank also states that this OA has been filed for recovery of more than Rs.25.56 Lacs and there is an apprehension that the defendants will dispose off the property which is mortgaged / charged with the applicant bank. Ld. Counsel for applicant bank has prayed to grant interim relief(s) at Para 7 of the plaint. I have perused the report of Ld. Registrar and heard the arguments of Ld. Counsel for applicant bank. This OA has been supported with an affidavit and documents. Having considered the arguments of Ld. Counsel and after perusal of the record, I am of the view that applicant bank has succeeded in establishing a prima facie case in their favour. The balance of convenience also lies in their favour and if ex parte interim order is not granted in favour of the applicant bank, it may suffer an irreparable loss which cannot be compensated in terms of the money. Looking into the facts & circumstances of this OA, the prayer in para 7(a) of the O.A. is granted to the extent of mortgaged property only and the defendants are hereby restrained from transferring, alienating or otherwise dealing with, or disposing off or encumbering or creating any third party interest with respect to the mortgaged property, until further orders. Matter be listed on 25.07.2023 before the Registrar for filing written statement and for completion of pleadings. (R.M. Kushawaha) Presiding Officer	