

GAHC010016622024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/416/2024
in WA No.938/2024 (Filing Number)

1.INDIAN BANK AND 2 ORS
REPRESENTED BY THE CHAIRMAN AND MANAGING DIRECTOR
HEAD OFFICE SITUATED AT-2, NETAJI SUBASH ROAD
KOLKATA-700001 (WEST BENGAL)

2: THE GENERAL MANAGER (H.R.), INDIAN BANK
HEAD OFFICE, SITUATED AT-2
NETAJI SUBASH ROAD KOLKATA-700001 (WEST BENGAL)

3: THE DEPUTY GENERAL MANAGER, INDIAN BANK
ZONAL OFFICE GUWAHATI SITUATED AT-G.S. ROAD
(OPPOSITE TO BORA SERVICE STATION)
GUWAHATI-7810007 (ASSAM)

VERSUS

1.HEM CHANDRA BHARALI AND 4 ORS
S/O SRI NANDESWAR BHARALI
R/O VILL-PUB GHAGRABASTI P.O.-GHAGRABASTI
DIST-SONITPUR (ASSAM) PIN-784168

2:GANESH RAJBONGSHI
S/O LATE GAJEN RAJBONGSHI
R/O VILL-KACHIMPUR P.O.-KENDUKUCHI
DIST-NALBARI (ASSAM) PIN-781341

3:BIKASH BHARALI
S/O SRI RATNA BHARALI
C/O SRI UTPAL KAKATI
HOUSE NO. 7 LACHIT NAGAR BYE LANE-04
ULUBARI P.S.-PALTANBAZAR GUWAHATI-781007

4:BIPIN GOGOI
S/O LATE JOGESWAR GOGOI
R/O VILL-DUBIA PATHAR P.O.-DUBIA
DIST-SONITPUR (ASSAM) PIN-784178

5:KAMAL HANDIQUE
S/O LATE GANIRAM HANDIQUE
R/O GOROIMARI P.O.-TETONBARI
DIST-SONITPUR (ASSAM) PIN-784171

Linked Case : I.A.(Civil)/414/2024 in WA No.933/2024 (Filing Number)

1.INDIAN BANK AND 2 ORS.
REP. BY THE CHAIRMAN AND MANAGING DIRECTOR
HEAD OFFICE 2 NETAJI SUBHASH ROAD
KOLKATA- 700001 WEST BENGAL

2: THE GENERAL MANAGER(HR)
INDIAN BANK HEAD OFFICE 2 NETAJI SUBHASH ROAD
KOLKATA- 700001 WEST BENGAL

3: THE DEPUTY GENERAL MANAGER
INDIAN BANK ZONAL OFFICE
G S ROAD OPP BORA SERVICE STATION
GUWAHATI- 781007 ASSAM

VERSUS

1.AMARJIT KAPUR AND ANR.
S/O SRI ASHOK KUMAR
R/O HOUSE NO. 04 BYE LANE-07
SUB BYE LANE-1 P.O.-ULUBARI P.S.-PALTAN BAZAR
DIST-KAMRUP(M) ASSAM GUWAHATI-781007

2:BIREN DAS
S/O LATE MANIK DAS
R/O C/O BARMAN STORES
SANKARDEV NAGAR PATH
HENGRABARI GUWAHATI-781006

For the Applicant(s) : Mr. D. Das, Senior Advocate assisted by Mr. K. Talukdar, Advocate, Mr. I. Das, Advocate and Ms. S. Sharma, Advocate.

For the Respondent(s) : Mr. T. Chakraborty, Advocate on behalf of Mr. S. Chakraborty, Advocate.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

30.08.2024

(Vijay Bishnoi, CJ)

The present Interlocutory Applications, I.A.(Civil) No.414/2024 in WA No.933/2024 (Filing Number) and I.A.(Civil) No.416/2024 in WA No.938/2024 (Filing Number) are preferred on behalf of the applicants with a prayer to condone the delay of 38 days in preferring the connected writ appeals against the judgment dated 16.11.2023 passed by the learned Single Judge in WP(C) No.5479/2021 and WP(C) No.1735/2020 respectively.

The learned Single Judge, vide judgment dated 16.11.2023 passed in WP(C) Nos.3394/2018, 1735/2020 and 5479/2021, has disposed of the said writ petitions.

It is contended by Mr. D. Das, learned Senior counsel appearing for the applicants that connected writ appeal [WA No.60/2024] preferred against the impugned judgment dated 16.11.2023 passed in WP(C) No.3394/2018, is already registered while condoning the delay. It is, therefore, submitted that as against the impugned judgment, one connected writ appeal has already been registered while condoning the delay, the present Interlocutory Applications [I.A.(Civil) No.414/2024 and I.A.(Civil) No.416/2024] may be allowed.

Mr. T. Chakraborty, learned counsel appearing for the private respondents has no objection if the Interlocutory Applications are allowed.

Having heard the learned counsel appearing for the parties and considering the fact that one writ appeal against the impugned judgment has already been registered, we deem it appropriate to condone the delay of 38

days in preferring the connected writ appeals. Hence, I.A.(Civil) No.414/2024 and I.A.(Civil) No.416/2024 are allowed and the delay of 38 days in preferring the connected writ appeals are condoned.

Registry is directed to register the connected writ appeals and list the same for admission along with WA No.60/2024 on 03.09.2024.

The present Interlocutory Applications are, accordingly, disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant