

GAHC010005592023



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

Case No. : I.A.(Civil)/555/2023

SRIKANTA LALUNG AND ANR
S/O LATE KESHAB LALUNG R/O VILLAGE BONDA, P.O. BONDA, P.S.
PRAGJYOTISHPUR, DISTRICT KAMRUP (M), ASSAM, PIN 781026

2: SRI SARBESWAR BORO
S/O LATE SAMBAR NATH BORO
R/O VILLAGE PANIKHAITY
P.O. PANIKHAITY
P.S. PRAGJYOTISHPUR
DIST. KAMRUP (M)
ASSAM
PIN 78102

VERSUS

RANA PATGIRI AND 9 ORS
S/O HEM KANTA GIRI, R/O VILLAGE BONDA, P.O. BONDA, P.S.
PRAGJYOTISHPUR, DIST. KAMRUP (M), ASSAM

2:SRI HIMANGSHU DAS
S/O LATE GOPINATH DAS
R/O VILL BONDA
P.O. BONDA
P.S. PRAGJYOTISHPUR
DISTRICT KAMRUP(M)
ASSAM
PIN 781026

3:SRI NILOY JYOTI RABHA
S/O SUKUMAR RABHA
R/O VILL BONDA
P.O. BONDA
P.S. PRAGJYOTISHPUR
DISTRICT KAMRUP(M)

ASSAM
PIN 781026

4:SRI RAMESH SAHA
S/O LATE NARAYAN SAHA
R/O VILL BONDA
P.O. BONDA
P.S. PRAGJYOTISHPUR
DISTRICT KAMRUP(M)
ASSAM
PIN 781026

5:SMTI URMILA SAHA RANGSHELL
W/O SRI RAMESH SAHA
R/O VILL BONDA
P.O. BONDA
P.S. PRAGJYOTISHPUR
DISTRICT KAMRUP(M)
ASSAM
PIN 781026

6:SRI LAKHI ENGTI
S/O LATE SHANTI ENGTI
R/O VILL BONDA
P.O. BONDA
P.S. PRAGJYOTISHPUR
DISTRICT KAMRUP(M)
ASSAM
PIN 781026

7:SRI HEM CHANDRA DAS
S/O GAUBORA DAS
R/O VILL BONDA
P.O. BONDA
P.S. PRAGJYOTISHPUR
DISTRICT KAMRUP(M)
ASSAM
PIN 781026

8:SRI MANU RAM LALUNG
S/O LATE VIBI RAM LALUNG
R/O VILL BONDA
P.O. BONDA
P.S. PRAGJYOTISHPUR
DISTRICT KAMRUP(M)
ASSAM
PIN 781026

9:SRI NARAYAN LALUNG
S/O BHARALU LALUNG
R/O VILL BONDA
P.O. BONDA
P.S. PRAGJYOTISHPUR
DISTRICT KAMRUP(M)
ASSAM
PIN 781026

10:SRI RAM PRASAD GARH
S/O LATE RABI GARH
R/O VILL BONDA
P.O. BONDA
P.S. PRAGJYOTISHPUR
DISTRICT KAMRUP(M)
ASSAM
PIN 78102

Advocate for the Petitioner : MR. S CHAUHAN

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 21-12-2023

Heard Mr. S. Chouhan, learned counsel for the applicant. None appears on call for the opposite parties.

2. This matter has been listed on the basis of the letter dated 23.05.2023 submitted before the Registry of this Court by the respondent. By the said letter it has been brought to the notice of the Court that in terms of directions contained in order dated 29.11.2019 passed by this Court in connection with this Interlocutory application arising out of RFA 128/2019, the respondent had deposited a sum of Rs. 1,00,000/- (Rupees One lakh only) before the Registry of this Court vide cheque no.221984 dated 27.02.2020

drawn on UBI, Dispur Branch in favour of the Registrar General of this Court.

3. In course of the proceeding of RFA 128/2019, the appellant had filed an interlocutory application to permit them from withdrawing the said RFA 128/2019 in view of compromise/ settlement of the matter outside the Court. Accordingly, this Court by an order dated 10.03.2023 allowed the prayer for withdrawl and this IA together with RFA 128/2019 was closed.

4. From the note of the Registry and from the submission of Mr. S. Chauhan, learned counsel for the applicants, it appears that the sum of Rs. 1,00,000/- (Rupees One lakh only) which was deposited by the respondent no.1 is still lying with the Registry of this Court, notwithstanding that the connected appeal and this interlocutory application was allowed to be withdrawn.

5. Therefore, in view of the prayer made before the Registry of this Court by the respondent, the Court is inclined to allow the Registry of this Court to permit withdrawl of the deposited amount of Rs. 1,00,000/- (Rupees One lakh only) back to the respondent no.1, namely, Rana Patgiri.

6. The respondent no.1 shall provide his bank particulars to the Registry so as to enable it to make online/ electronic transfer of the sum of Rs. 1,00,000/- (Rupees One lakh only) to the respondent no.1.

7. As the connected appeal as well as the IA has already been permitted to be withdrawn, these files shall now be consigned back to the records after bringing the order to the notice of the Registrar (Judicial).

8. It is also noted that the LCR is still lying with the records. Let the LCR be returned back.

JUDGE

Comparing Assistant