

GAHC010016642024



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

Case No. : I.A.(Civil)/412/2024

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
ASSA

VERSUS

GAJEN DAS AND 6 ORS
S/O- KESHAB DAS, R/O- NORTH GUWAHATI, RAJADUWAR, DIST- KAMRUP,
ASSAM

2:AKHIL BORO
S/O- SRI GANGADHAR BORO
R/O- H NO. 16 ODALBAKRA
LALGANESH
GHY- 34
DIST- KAMRUP(M)
ASSAM

3:UTPAL BAISHYA
S/O- KAMESHWER BAISHYA

R/O- SAUKUCHI
DIST- KAMRUP(M)
ASSAM

4:MANJIIT RABHA
S/O- PARESH RABHA
R/O- JARAPARA
P.O- BOKO
DIST- KAMRUP
ASSAM

5:BRINDABAN DAS
S/O- SRI CHAN DAS
R/O- HAJO
PANIPARA
DIST- KAMRUP(M)
ASSAM

6:ATIKUR RAHAMAN
S/O- SRI JIYAUH RAHAMAN
R/O- DIMAPUR
HAJO
KAMRUP
ASSAM

7:KAMAL SHILL
S/O- KANU SHILL
R/O- DWARKUCHI
TAMULPUR
DIST- BAKSHA
ASSA

Advocate for the Petitioner : MR. D DAS SR. ADV

Advocate for the Respondent : FOR CAVEATOR

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

16.02.2024

(Vijay Bishnoi, CJ)

The matter comes up for consideration of the application preferred on

behalf of the appellant under Section 5 of the Limitation Act with a prayer to condone the delay of 38 days in filing the connected writ appeal.

Mr. S. Chakraborty, learned counsel has put in appearance on behalf of the respondent Nos.1 to 7. However, no reply to the application under Section 5 of the Limitation Act is filed.

The learned counsel for the applicants has submitted that due to some unavoidable circumstances, the writ appeal could not be filed within the period of limitation.

The learned counsel for the respondent Nos.1 to 7 has vehemently opposed the application filed under Section 5 of the Limitation Act and has submitted that the reasons supplied by the applicants in the application filed under Section 5 of the Limitation Act are not sufficient to condone the delay. Having heard the learned counsel for the parties and after going through the contents of the application and taking into consideration the facts and circumstances of the case, we deem it appropriate to condone the delay of 38 days in filing the present appeal.

Hence, the I.A.(Civil) No.412/2024 is allowed. The delay of 38 days in filing the present appeal is condoned.

Registry is directed to register the writ appeal and place it for admission after two weeks.

JUDGE

CHIEF JUSTICE

Comparing Assistant