

GAHC010029462018



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

Case No. : Cont.Cas(C)/68/2018

HARJYOTI CHOUDHURY
R/O VILL AND PO-KULHATI UNDER PS HAJO IN THE DISTRICT OF
KAMRUP, ASSAM-781104

VERSUS

NAREN CH. DAS
THE OFFICER-IN-CHARGE, BHANGAGARH POLICE STATION, SITUATED
NEAR GMCH CAMPUS, BHANGAGARH, GUWAHATI-05, ASSAM

Advocate for the Petitioner : MR G CHOUDHURY

Advocate for the Respondent : MR. R K D CHOUDHURY

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 12.02.2024

1. The instant contempt application has been filed for violation of the order dated 13.11.2017 passed in WP(C) 3486/2016 wherein there was a direction passed by this Court to release the vehicle to the registered owner (petitioner) with due undertaking. It was also directed that after the petitioner takes the

possession of the vehicle, the borrower must resume payment of the current EMI to the bank. It has been alleged that the in spite of the petitioner thereupon approaching the respondent in the contempt application, the said vehicle was not released.

2. This Court have duly taken note of the affidavit-in-opposition filed by the contemnor wherein it has been mentioned that when the petitioner approached the respondent contemnor for release of the vehicle, the respondent contemnor sought for instruction from the DTO, Kamrup, Amingaon on 17.11.2017 seeking the details of the ownership of the vehicle bearing AS-25-AC-9444. To the said instruction so sought for it was mentioned that the vehicle was originally registered with the petitioner but subsequently was transferred to one Kanak Das, S/o. Nabin Das, Village & P.O. Kamarkuchi under Nalbari PS. Further to that it has been mentioned that the said Kanak Das had also appeared in the Bhangagarh PS and demanded the vehicle. This Court have also duly taken note of the form of certificate of registration which have been enclosed to Annexure-H to the affidavit filed by the respondent nos. 4, 6 and 7 in WP(C) 3486/2016 and from the said it reveals that on 05.01.2015, the vehicle was transferred in favour of Sri Kanak Das.

3. Taking into account the above, it is the opinion of this Court that no case for willful and deliberate violation of the order passed by this Court dated 13.11.2017 in WP(C) 3486/2016 arises. Accordingly, the contempt proceedings stand dropped.

4. Be that as it may, this Court have not decided in the instant proceedings as regards the legality and validity of transfer so made in favour of the said Sri Kanak Das, which shall however be subject to outcome of WP(C) 3486/2016.

JUDGE

Comparing Assistant