

GAHC010090082024



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

Case No. : I.A.(Civil)/1352/2024
In WA No.13569/2023 (Filing Number)

1.ASSAM POWER DISTRIBUTION COMPANY LTD. AND 2 ORS.
HAVING ITS REGISTERED OFFICE AT BIJULEE BHAWAN,
PALTAN BAZAR, GUWAHATI 781001,
DIST KAMRUP M ASSAM AND
REPRESENTED BY ITS MANAGING DIRECTOR,

2: THE MANAGING DIRECTOR
ASSAM POWER DISTRIBUTION CO. LTD.
BIJULEE BHAWAN PALTAN BAZAR
GUWAHATI 781001 DIST KAMRUP M ASSAM

3: THE CHIEF GENERAL MANAGER
ASSAM POWER DISTRIBUTION CO. LTD. BIJULEE BHAWAN
PALTAN BAZAR GUWAHATI 781001
DIST KAMRUP M ASSAM

VERSUS

1.PARAN JYOTI SAIKIA AND 2 ORS.
S/O SRI DHARMA SAIKIA,
RESIDENT OF HOUSE NO. 17, LUTUMA
PO BINOVANAGAR, PS FATASIL AMBARI,
GUWAHATI 781018 DIST KAMRUP M ASSAM

2:THE ALLAHABAD BANK
REPRESENTED BY ITS DEPUTY GENERAL MANAGER
ZONAL OFFICE GS ROAD OPP. BORA SERVICE STATION
ULUBARI GUWAHATI 781007

3:THE DEPUTY GENERAL MANAGER
ZONAL OFFICEALLAHABAD BANK, GS ROAD OPP. BORA SERVICE
STATION, ULUBARI GUWAHATI 78100

For the Applicant(s) : Mr. N. Deka, Advocate.
: Mr. M. Gogoi, Advocate.
For the Respondent(s) : Mr. K. Kalita, Advocate for respondent No.1.

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

02.08.2024

(Vijay Bishnoi, CJ)

As per office note, notice upon the respondent Nos.2 and 3 has not been served. It is noticed that the respondent Nos.2 and 3 are proforma respondents and the contesting respondent i.e. respondent No.1 is represented through learned counsel Mr. K. Kalita. Hence, service of notice upon the respondent Nos.2 and 3 is waived.

The instant Interlocutory Application under Section 5 of the Limitation Act, 1963 is filed on behalf of the applicants with a prayer to condone the delay of 35 days occasioned in filing the connected writ appeal.

Mr. N. Deka, learned counsel appearing for the applicants has submitted that in the Interlocutory Application, the reasons for delay in filing the connected writ appeal have been mentioned. It is, therefore, submitted that the delay of 35 days in filing the connected writ appeal may kindly be condoned.

Mr. K. Kalita, learned counsel appearing for the respondent No.1 has opposed the application for condonation of delay.

Having heard the learned counsel appearing for the parties and after going through the contents of the Interlocutory Application, we deem it appropriate to condone the delay of 35 days occasioned in filing the connected writ appeal. Hence, the instant Interlocutory Application is allowed and the delay of 35 days occasioned in filing the connected writ appeal is condoned.

The Registry is directed to register the connected writ appeal and list the same

before this Court for admission after 2(two) weeks.

This Interlocutory Application is, accordingly, disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant