

GAHC010103672024



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

Case No. : MC/36/2024

DIPANKAR CHAKRABORTY,
SON OF LATE AMALENDU CHAKRABORTY,
RESIDENT OF FLAT NO. A-3/11,
HAPPY NOOK COOPERATIVE HOUSING SOCIETY,
E.C.T.P. PHASE IV, KOLKATA,
WEST BENGAL, PIN- 700078.

VERSUS

SUBHENDU CHAKRABORTY AND 2 ORS
SON OF LATE AMALENDU CHAKRABORTY, RESIDENT OF 30, JASWANTA
ROAD, PANBAZAR, BESIDE AXIS BANK, PAN BAZAR BRANCH,
GUWAHATI- 781001, DISTRICT- KAMRUP(M), ASSAM.

2:PRANAB CHAKRABORTY
SON OF LATE NIRMALENDU CHAKRABORTY

RESIDENT OF 30
JASWANTA ROAD

PANBAZAR
BESIDE AXIS BANK
PAN BAZAR BRANCH

GUWAHATI- 781001
DISTRICT- KAMRUP(M)

ASSAM.

3:GAUTAM CHAKRABORTY
SON OF LATE AMALENDU CHAKRABORTY

RESIDENT OF 11
DEERFIELD TERRACE

MAHWAH
NEW JERSEY

UNITED STATES OF AMERICA

ZIP CODE- 07430

AFor the petitioner (s) : Mr. G. Choudhury, Advocate

For the respondent (s) : None appears

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

19.06.2024

This is an application for recalling of the order dated 29.04.2024 passed by this Court in CRP(IO) No.427/2023 which was dismissed for default on account of the petitioner having not appeared on 29.04.2024 when the matter was called for.

2. This Court having taken into account the grounds stated in the application is of the opinion that interest of justice would be met if the instant application is allowed thereby restoring the CRP(IO) No.427/2023. However, this Court is also of the opinion that certain costs needs to be imposed in as much as the petitioner was duly informed vide the order dated 01.04.2024 that the petitioner is required to take steps. Under such circumstances, this Court imposes cost of Rs.11,000/- which shall be deposited by the petitioner before Shishu Sarothi having its Office at Off Ramkrishna Mission Road, Birubari, Guwahati - 781016, Assam and the receipt of such deposit shall be placed before the Registry of this Court

within 1 (one) week and the CRP(IO) No.427/2023 only be listed before this Court after placing the said receipt of deposit of money before the Registry of this Court by the petitioner.

3. Liberty is given to the petitioner to mention the accompanying CRP(IO) No.427/2023 after placing of the receipt before the Registry.

4. In view of the above, the instant application stands disposed of.

JUDGE

Comparing Assistant