

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.533 of 2022

In

Miscellaneous Jurisdiction Case No.592 of 2022

Rajesh Kumar son of Sri Ram Lakhan Prasad Singh Resident of A/23, Astha Nagar, Mirgabj, The Managing Director, Motihari Central Co-operative Bank Ltd. Motihari.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Cooperative, Govt. of Bihar, Patna.
2. The Registrar, Co-operative Societies, Govt. of Bihar, Patna.
3. The Board of Directors through its Chairman, the Motihari Central Cooperative Bank Ltd. Motihari.
4. Baidhnath Paswan S/o Lorik Ram Resident of Village- Phulhara, P.S.- Rajapakar, Distt.- Hazipur, Vaishali.

... .. Respondent/s

with

Letters Patent Appeal No. 535 of 2022

In

Miscellaneous Jurisdiction Case No.566 of 2022

Rajesh Kumar Son of Sri Ram Lakhan Prasad Singh Resident of A/23, Astha Nagar, Mirgabj, The Managing Director, Motihari Central Co-operative Bank Ltd. Motihari.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary Department of Cooperative, Govt. of Bihar, Patna.
2. The Registrar, Co-operative Societies, Govt. of Bihar, Patna.
3. The Board of Directors, through its Chairman, the Motihari Central Cooperative Bank Ltd. Motihari.
4. Rajesh Kumar, Son of Sri Siya Ram Prasad Resident of Mohalla- Lala Tola, Patora, Police Station- Muffasil, District- Motihari (East Champaran).

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 533 of 2022)

For the Appellant/s : Mr.Sanjeev Kumar Mishra, Adv.

For the Respondent/s : Mr.

(In Letters Patent Appeal No. 535 of 2022)

For the Appellant/s : Mr.Sanjeev Kumar Mishra, Adv.

For the Respondent/s : Mr.Amit Prakash



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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 01-11-2022

Both the appeals have been taken up together and are being disposed of by this common order.

Heard Mr. Sanjeev Kumar, learned advocate for the appellants in both the appeals and counsel for the respondents.

For the Managing Director of the Motihari Central Co-operative Bank Ltd., Motihari not having complied with the order dated 18.11.2021 passed in CWJC No. 23244 of 2019, a contempt proceeding was drawn up wherein the learned Single Judge found that the order was not complied with on the lame pretext of such order having been put to challenge in a Letters Patent Appeal but, even after the dismissal of the LPA on 27.09.2022, the order in question was not complied.

However, on the request of the counsel for the Bank, the matter was directed to be re-listed before the Bench on 12.10.2022 for reporting compliance of the order referred to above but only subject to payment of cost of Rs. 50,000/- to be remitted in the Prime Minister's Relief Fund before the next date of hearing.

The appellant is aggrieved by the imposition of the aforementioned cost on the sole ground that the order in question was



complied immediately after the LPA was disposed of. Even before the disposal of the LPA, all efforts were made by the appellant Bank to have the matter listed and decided in appeal.

Notwithstanding the aforementioned ground raised on behalf of the appellant, we are not inclined to interfere with the imposition of cost of Rs. 50,000/- for the reason that the appellant Bank had conceded to make such payment for the matter to be kept alive for the next date for compliance of the order in question.

Apart from this, the imposition of cost is directed to be paid in a charitable fund and not in favour of a private property.

The amount of Rs. 50,000/- has already been deposited by the appellant Bank.

For the reasons cited above, we dismiss both the appeals.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.11.2022
Transmission Date	

