

17 23.08.2023
RP Ct. No. 01
AN

MAT 1388 of 2023
with
IA No. CAN 1 of 2023
CAN 2 of 2023

Md. Yonus
Vs.
Union of India & Ors.

Mr. Subhas Chandra Basu
... For the Appellant

Mr. Pratip Kumar Chatterjee
... For the Respondent no. 5.

Ms. Debolina Lahiri
Mr. Mrinmoy Chatterjee
... For the Respondent nos. 2, 3 and 4.

1. This intra Court appeal is directed against the order dated 25th August, 2022. There is a delay of 300 days in filing the appeal.

2. The private respondent vehemently opposed the said application stating that the affidavit does not disclose any reasons for the inordinate delay.

3. The learned advocate for the appellant/Bank pointed out the facts of the case as to under what circumstances the inter se dispute between the appellant and the wife, who is the private respondent, has been dragged to the learned writ Court wherein the bank has been made as a party.

4. We have perused the order passed by the learned Single Bench from which we find that for identical relief, an earlier writ petition was filed and certain directions were issued to implead the respondent/wife which

directions have not been complied with and subsequently the writ petition was dismissed and suppressing such facts, the second writ petition was filed and considering all the facts, the Single Bench rightly dismissed the writ petition and we find no grounds to interfere with the said order passed by the learned Single Bench.

5. In the result, the appeal along with the stay application and application for condonation of delay all stand rejected and thereby **dismissed**.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)