

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 6 of 2014

21.03.2014

Heard Mr. K. Paul, learned counsel for the petitioner, who submits that the petitioner/HDFC Bank Ltd was never a party in the Money Suit No. 3 (H) 2009. The party before the court in Money Suit No. 3 (H) 2009 was the Branch Manager, HDFC Bank Ltd, Shillong, one Shri Rohit Kumar and the Branch Manager, HDFC Bank, Hajipur Branch, Bihar.

The learned counsel further argued that HDFC Bank Ltd being a corporate body needs to be represented by authorized representative of the Bank, but unfortunately, the decree was passed against the Branch Manager, HDFC Bank Ltd. But, in Execution Application, i.e. Annexure-3 page 25 it is mentioned HDFC Bank Ltd, Shillong Branch. Therefore, the entire Execution order issued by the learned Execution court is not in conformity with law and prays that notice may be issued, and for suspension of the warrant of attachment issued vide order dated 13.03.2014.

I have perused the documents before me.

Considering the submissions advanced by the learned counsel, issue notice to the respondent to show cause as to why the impugned warrant of attachment should not be set aside or to pass any other order or orders as I found deemed fit and proper.

Petitioners' counsel is to take necessary steps to serve the notice upon the respondent within 3(three) days. Notice is made returnable within a week.

In the meantime, the warrant of arrest issued vide order dated 13.03.2014 is hereby stayed until further order.

Since this order has been passed only after hearing the petitioners' counsel, the respondent is at liberty to move an application for the modification of the order if they so desire.

List this matter after a week.

JUDGE

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
MC(CRP) No. 8 of 2014

21.03.2014

In the light of the order passed in **CRP. No. 6 of 2014**
this instant Misc. Case stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Cont. Cas(C) No. 15 of 2012

21.03.2014

Heard Mr. P Nongbri, the learned counsel for the petitioner who submits that, SLP is pending before the Hon'ble Apex Court which is supposed to be listed in the month of July 2014, so the matter may be fixed after the month of July, to which Mr. R Jha, the learned counsel for the respondent has no objection.

List this matter accordingly.

JUDGE

V Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 41 of 2011

21.03.2014

Heard Mr. MZ Ahmed, the learned senior counsel for the petitioner.

Mr. SP Mahanta, the learned counsel appearing for respondent No. 1, Mr. VGK Kynta, the learned senior counsel for the District Council and Mr. H Abraham, the learned counsel for respondent No. 4 are present.

None appears for the State.

The matter was fixed today for hearing as a last chance in spite of the fact that, Mr. HL Shangreiso, the learned counsel for respondent No. 5 is not present, however, his junior counsel Mr. R Majaw is present and vehemently submitted that the matter may be adjourned as his senior counsel is out of station due to some urgent works. The instant case is dragging since 2011. Besides that, the case has been fixed as a last chance for hearing, as such; I am not inclined to adjourn the matter. However, considering the submission advanced by Mr. R Majaw, the learned counsel for respondent No. 5, the matter is adjourned.

Further, the Respondent No. 5 in WP(C) No. 41 of 2011 and Petitioner in WP(C) No. 327 of 2011 is hereby directed to pay the cost of Rs. 5,000/- for adjournment of the case, which is to be deposited with the Registry in the name of the Legal Aid Services Authority before the next date fixed. In turn, the Legal Aid Services Authority shall deposit the said amount in the account of the Directorate of Social Welfare, Govt. of Meghalaya for the upliftment of the Juvenile Home.

The Principal Magistrate, Juvenile Justice Board as well as the Director of Social Welfare are further directed to monitor and to utilize the said amount solely for the benefit and development of the living condition of the inmates residing in the Juvenile Home.

Registry is further directed to forward a copy of this order to the Principal Magistrate, Juvenile Justice Board as well as to the Director of Social Welfare accordingly.

List this matter on 11.04.14 as suggested by the learned counsel for the parties.

JUDGE

