

GAHC010097562025



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

Case No. : WP(C)/2562/2025

SMTI NALINA T
AGED ABOUT 37 YEARS, D/O MR. E. THIPPESHAPPA R/O HOUSE NO. 328,
P.O. NERALAKERE, TALUK - TARIKERE, DISTRICT - CHIKKAMAGALORE,
KARNATAKA, PIN - 577228.

VERSUS

CANARA BANK AND 4 ORS
A BODY CORPORATE AND DULY CONSTITUTED UNDER THE BANKING
COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKING) ACT, 1910
HAVING ITS HEAD OFFICE AT 112, J.C. ROAD, BANGALORE - 560002 AND
DOING THE BUSINESS OF BANKING AT DIVERSE PLACE ALL OVER INDIA
AND IN PARTICULAR AT AIZAWL BRANCJ ZODIN SQUARE 1ST FLOOR
NEAR SOLOMANS CAVE AIZAWL 796001 REP BY ITS BRANCH MANAGER

2:CANARA BANK CIRCLE OFFICE
PANJABARI ROAD
SIX MILE
BEEBEE GRAND
PIN -781037
GUWAHATI
ASSAM.

3:SRI H G LOKESH MURTHY
S/O GURUMALLAIAH R/O VILLAGE AND P.O. HIREGOWAJA
DISTRICT - CHIKKAMANGALORE
KARNATAKA
PIN - 577168.

4:MR NAGARAJU N M
S/O MAHALINGAPPA N.M. R/O VILLAGE - NERALEKERE
TALUK - TARIKERE

DISTRICT - CHIKKAMANGALORE
KARNATAKA
PIN - 577228.

5:SUB REGISTRAR
KADUR TALUK
DISTRICT - CHIKKAMANGALORE
KARNATAKA
PIN - 577101

Advocate for the Petitioner : MR B D DAS, MR H K SARMA,MR D KALITA,MR. H R DAS

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

19.05.2025

1. Heard Mr. B. D. Das, learned Senior Counsel assisted by Mr. D. Kalita, learned counsel for the petitioner. Also heard Mr. M. Sharma, learned Standing Counsel for the respondent Bank.
2. By the present writ petition, order dated 14.06.2024 passed by the DRT Guwahati in I.A. No. 210/2024 is put to challenge. By the aforesaid order, the delay of 105 days in filing the connected Appeal EDRT Dy. No. 281/2024 under Section 30(1) of the Recovery of Debts and Bankruptcy Act, 1993 was dismissed by declining to condone the aforesaid delay.
3. The further challenge is a Judgment and Order dated 22.04.2025 passed by the Debt Recovery Appellate Tribunal (DRAT) Kolkata in Appeal No. 106/2024, by which the challenge made to the order of the DRT, Guwahati dated 14.06.2024, was also negated.
4. Issue notice returnable on **25.06.2025**.

5. As Mr. Sharma, learned Standing Counsel for the respondent Bank accepts notice on behalf of the respondent Nos. 1 and 2, no formal notice need be issued to the said respondents.
6. Petitioner to take steps for issuance of notice upon the respondent Nos. 3, 4 and 5, by way of registered post with A/D as well as by usual process within a period of five days from today.
7. In addition, the petitioner is permitted to take dasti service upon the respondent Nos. 3, 4 and 5 after routing the same through the Registry and thereafter, file an affidavit in proof of such service.
8. Considering the matter in entirety and the litigational history, this Court is of the opinion that in the interim, till the next date fixed, the respondent Nos. 3 and 4 shall not create any 3rd party interest by alienating Schedule-A of the certificate of sale dated 09.11.2023 (DRPC No. 63/2019 arising out of O.A. No. 18/2019).
9. The respondent Nos. 3 and 4 shall be at liberty to file application for vacation/modification/altercation of this order.
10. It is needless to say that, pendency of this writ petition shall not be bar for the respondents to continue with the pending recovery proceeding.
11. List this matter on **25.06.2025**.

JUDGE

Comparing Assistant