

GAHC010097562025



2026:GAU-AS:10218-DB

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(s): Mr. Prashanth R
Mr. D Kalita

Advocate for the respondent(s): Mr. M Sharma Standing Counsel
Canara Bank
Mr. HK Sarma
Respondent No.3

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

24.07.2026

Heard Mr. Prashanth R, the learned counsel appearing on behalf of the petitioner. Also heard Mr. M Sharma, the learned counsel who appears on behalf of the respondent Nos.1 and 2 and Mr. HK Sarma, the learned counsel who appears on behalf of the respondent No.3. None appears on behalf of the respondent Nos.4 and 5 on call.

2. The present writ petition has been filed challenging the order dated 14.06.2024 passed by the DRT at Guwahati in IA NO.210/2024

as well as the judgment dated 22.04.2025 passed by the DRAT at Kolkata in Appeal No.106/2024.

3. At the outset, it is pertinent to take note of Annexure-9 series to the affidavit-in-opposition filed by the respondent No.3, wherein it is seen that the petitioner herein was granted an one-time settlement (OTS) for Rs.40,00,000/- subject to the terms and conditions mentioned in the said document dated 11.08.2025. Amongst the various terms and conditions, it included the term that the petitioner would withdraw the Appeal/Case/Claim/Counter claim filed against the Canara Bank at any Forum, including the present petition filed. The petitioner was also required to withdraw the cases filed against the other bank Officials at any Forum related to the said account.

4. Mr. M. Sharma, the learned counsel appearing on behalf of the Canara Bank submitted that the petitioner had duly accepted the OTS, and, therefore, the present proceedings could not be proceeded with.

5. On the other hand, Mr. Prashanth R, who represents the petitioner refers to the additional affidavit filed on 17.07.2026, wherein it is mentioned that immediately after remittance of the OTS amount of Rs.40,00,000/-, the petitioner vide an e-mail dated 22.08.2025 to the respondent No.1 had categorically mentioned about the petitioner's acceptance of the OTS, along with a request to the respondent No.1 to appropriate the remitted amounts towards the OTS and issue the

No Due Certificate and the Loan Closure Certificate and return the original Title Deeds. It was further mentioned in the e-mail that the writ proceedings against the Bank would be withdrawn upon implementation of the OTS, while the proceedings against the respondent No.3 would continue independently. However, the respondent No.1 has not sent any reply disputing or denying the contents of the e-mail.

6. This Court takes note of the additional affidavit, more particularly, at paragraph Nos.4 and 5, which being relevant are reproduced hereinunder:

“4. That the deponent respectfully states that immediately after remittance of the OTS amount of Rs.40,00,000/-, the petitioner vide an E-mail dated 22.08.2025 sent from nalinathippesh@gmail.com to Respondent No.1 at cb7259@canarabank.com has categorically mentioned about petitioner's acceptance of the OTS alongwith a request to the Respondent No. 1 to appropriate the remitted amount towards the OTS and to issue No Dues Certificate and Loan Closure Certificate and return the original title deeds. The E-mail further states that the writ proceedings against the Bank would be withdrawn upon implementation of the OTS, while the proceedings against Shri H.G. Lokesh Murthy would continue independently. It is pertinent to mention herein that although the instant case initiated by the petitioner before the Hon'ble Court is registered as W.P. (C) No. 2562/2025 however, inadvertently the same has been wrongly mentioned as high court case 2925/2025 in the aforesaid E-mail dated 22.08.2025 sent to the Respondent No. 1 bank.

5. That the deponent respectfully states that the aforesaid E-mails dated 14.07.2025 (Annexure -1 above) and 22.08.2025 (Annexure -2 above) are contemporaneous documents forming part of the same transaction and evidencing the

negotiations relating to the OTS and the Petitioner's compliance with the settlement by remitting the agreed amount. Further, Respondent No.1 did not send any reply disputing or denying the contents of the email mentioned above at Annexure – 1 and Annexure – 2 respectively.”

7. Taking into account the stand which has been taken in the additional affidavit, more particularly, at paragraph Nos.4 and 5 quoted hereinabove, it is the opinion of this Court that the present writ petition cannot be proceeded with, for which, the writ petition stands dismissed.

8. This Court also takes note of the submission of Mr. M Sharma, the learned counsel for the Canara Bank and observes that the Canara Bank in view of the stand taken in the present proceedings cannot resile from the stand that the OTS had been duly accepted.

9. The dismissal of the present writ petition, however, shall not preclude the petitioner to avail remedies against the respondent No.3, if so advised and permissible under the law.

10. Interim order passed earlier stands vacated.

JUDGE

Comparing Assistant