

GAHC040005482024



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

**Case No. : CRP/17/2024**

Hayeng Mangfi  
Son of Late Tangu Mangfi, proprietor of M/s H.M.Traders, resident of Sinki Park,  
Itanagar, PO and PS Itanagar, Papumpare District, Arunachal Pradesh

VERSUS

Arunachal Pradesh State Co-operative Apex Bank Ltd and Anr  
represented by its Managing Director, D Sector, Naharlagun, Papumpare District,  
Arunachal Pradesh 791110 2:The Branch Manager  
Age: 0  
Occupation :  
Arunachal Pradesh State Co-operative Apex Bank Ltd  
Itanagar Branch  
Itanagar 79111

**Advocate for the Petitioner** : Teto Taba

**Advocate for the Respondent** : Pritam Taffo

**BEFORE**  
**HON'BLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

**29.04.2024**

Heard Mr. A.C. Sarma, learned Senior Counsel assisted by Mr. Teto Taba,  
learned counsel for the petitioner. Also heard Mr. Pritam Taffo, learned Standing

Counsel for the Arunachal Pradesh State Co-operative Apex Bank Limited.

This is an application under Article 227 of the Constitution of India assailing Order dated 12.04.2024 passed by the learned Civil Judge (Senior Division), Capital Complex, Yupia in Money Execution Case No. 05/2020.

It appears that there has been a settlement between the parties in connection to the proceedings bearing CR No. DC/ICC/CR-13/30/10/2018, which was pending before the EAC-cum-Certificate Officer, Itanagar.

It appears that the petitioner by an application dated 12.04.2024 sought extension of time to allow the respondents/decreed holder/petitioner to sale the mortgage property to realize it's outstanding dues. The Executing Court vide dated 12.04.2024 rejected the said prayer and directed issue of civil warrant of arrest against the petitioner. The said order has been put to challenge in the civil revision petition.

By order dated 26.04.2024, notice had been issued in the matter.

Mr. Pritam Taffo, learned counsel has appeared today on behalf of the Bank's respondents. He seeks two weeks' time to file counter affidavit.

Prayer is allowed.

It appears that on 12.04.2024 an application for extension of time was filed stating that despite sincere effort made by the petitioner, he was unable to sale and dispose of the mortgage property in order to repay the loan in terms of the settlement arrived between the parties.

In the interest of justice, in the interim, it is provided that the Order dated 12.04.2024 passed by the learned Civil Judge (Senior Division) Capital Complex, Yupia in Money Execution No. 05/2020 shall remain stayed until further order.

Let this matter be listed after two weeks on a date to be fixed by the Registry.

**JUDGE**

**Comparing Assistant**