

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

IA ..... in CIVIL APPEAL NO. 7948 OF 2004

HARIDAS DAS

Appellant (s)

VERSUS

USHA RANI BANIK & ORS.

Respondent(s)

(For directions and office report )

Date: 25/08/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Appellant(s)

Mr. Chanchal Kumar Ganguli,Adv.

For Respondent(s) Respondent-In-Person (Not present)

Mr. P.K. Chakravarty ,Adv

UPON hearing counsel the Court made the following

O R D E R

Though the matter was specifically posted for today in the presence of the

contemnor, he was not present. On 25.07.2006, the letter filed by the contemnor A bu

Banik was considered by this Court and as a last chance the date of appearance was

fixed for 21.08.2006. On that date, he stated

that he has filed some papers. Later on, he changed his statement and stated that he

intended to file some papers. The matter was directed to be listed today and he was specifically told to be present today. The matter was passed over twice, but the contemnor is not present today. We find from the record that on 21.08.2006 the contemnor has stated that the matter may not be listed on 25.08.2006 and may be adjourned by at least two months. But his request was not accepted and the matter was listed for today. He has further stated in the letter addressed to the Registrar General that he has filed his reply/affidavit in part on 21.08.2006 and has prayed the matter to be listed in the last week of October, 2006 for reasons stated in paras 3, 10 and 12 of the affidavit. It is further stated that his mother is seriously ailing. It may be noted that when the matter was taken on 21.08.2006, the contemnor made a similar prayer. We did not accept the prayer and specifically told him to be present today. Therefore, the letter addressed to the Registrar General cannot be taken note of. The Superintendent of Police, Karim Ganj, Assam is directed to ensure presence of the contemnor Abu Banik on 11th September, 2006.

List the matter on 11th September, 2006.

(Shashi Sareen)  
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Court Master  
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(Vijay Aggar  
Court Mast