



16.10.2023

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Sl. 10

MAT 116 of 2023
With
CAN 1 of 2023
CAN 2 of 2023

Asim Biswas & Anr.

Vs.

Uttarbanga Kshetriya Gramin Bank & Ors.

Mr. Jagriti Mishra,
Mr. Subhan Gupta,
Mr. Raj Jumar Mitra,
Ms. Mrinmayee Das

...for the appellants.

Ms. Chitra Bhanu Gupta,
Ms. Supriya Singh.

.....for the respondent bank.

Heard learned advocates appearing for the parties.

Appellants petitioners have filed this appeal along with stay application being aggrieved by the order of the learned Single Judge, dated 4th July, 2023. Common issues involved in the writ petition and this appeal is with regard to mode and manner of computation of commutation of pension of the appellant/petitioner No.1. We are of the considered view that the issues involved herein are both factual and legal and the same can be adjudicated only on final hearing of appeal.

Since the writ petition was disposed of without calling for affidavits, liberty is granted to the respondent bank to file affidavit in opposition to the



stay application within two weeks after the Puja vacation; appellants to file reply thereto, if any, within one week thereafter. Appellants shall incorporate the same in the paper book which shall be prepared by the appellants within six weeks after the Puja vacation and to serve a copy of the same upon the respondents.

During the pendency of this appeal, appellants will accept the payment which the respondent bank is ready and willing to pay within two weeks from date as per the order of the writ court without prejudice to the rights and contentions of both the parties in this appeal.

This appeal along with the applications shall be listed for final hearing in the monthly list of January, 2024.

(Md. Nizamuddin, J.)

(Partha Sarathi Chatterjee, J.)