

GAHC010032852026



2026:GAU-AS:3071

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

Case No. : CRP(IO)/57/2026

KHANJANA BARMAN
WIFE OF KABINDRA NARAYAN BARMAN, RESIDENT OF WARD NO. 3, P.O
AND P.S- GOSSAIGAON, DIST- KOKRAJHAR, ASSAM, PIN- 783360

VERSUS

GOVIN BUSKEY AND 2 ORS.
SON OF LATE MANGAL BUSKEY, RESIDENT OF VILL- PADMABIL, P.O AND
P.S- GOSSAIGAON, DIST- KOKRAJHAR, ASSAM, PIN- 783360

2:KANDNI BUSKEY
DAUGHTER OF LATE MANGAL BUSKEY
RESIDENT OF VILL- PADMABIL
P.O AND P.S- GOSSAIGAON
DIST- KOKRAJHAR
ASSAM
PIN- 783360

3:MRITUNJAY BUSKEY
SON OF LATE SIRIL BUSKEY
R/O VILL- BETBARI
P.O- KAZIGAON
DIST- KOKRAJHAR
ASSAM
PIN- 78333

Advocate for the Petitioner : MR. B J MUKHERJEE, MS R SAHA

Advocate for the Respondent : ,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

27.02.2026

Heard Mr. B.J. Mukherjee, learned counsel for the petitioner.

2. In this petition, under Article 227 of the Constitution of India, read with Section 151 of the Code of Civil Procedure, 1908, the petitioner has challenged the order dated 12.12.2025, passed by the learned Civil Judge (Jr. Division), Gossaigaon, in Title Suit No.12/2024. It is to be noted here that vide impugned order dated 12.12.2025, the learned Trial Court has dismissed the Petition No.690/2025 filed by the petitioner herein under Order 13 Rule 10 of the CPC to call for the trace map of the relevant Dag of Padma Pukhuri village, as the same was not provided to her by the Revenue Authorities.

3. Mr. Mukherjee submits that the petitioner is the defendant in the Title Suit No.12/2024. She has applied for the trace map of relevant Dag of Padma Pukhuri village to the Revenue Authorities, but the same was denied to her, for which she approached the learned Trial Court by filing the Petition No.690/2025 for calling the trace map of the relevant Dag, but the same was dismissed vide impugned order dated 12.12.2025.

4. Mr. Mukherjee also submits that according to the learned Trial Court, the ground for rejection of the petition is that the petitioner/defendant has not shown why they cannot without unreasonable delay or expense obtained the documents. However, the learned Trial Court has granted liberty to produce any document on record and adduce as an evidence at the stage of evidence.

5. Mr. Mukherjee further submits that the petitioner has again filed an application before the Revenue Authority for the aforementioned document. But, if the Authority again denied the same, then she will not be able to produce and led evidence in the Court and on such count, she will suffers serious prejudice and therefore, Mr. Mukherjee submits that this petition may be disposed of by directing the learned Trial Court to consider the application filed by the petitioner in the event of denial of the trace map of relevant Dag of Padma Pukhuri village, by the Revenue Authority.

6. Having heard the submission of Mr. Mukherjee, this Court has carefully gone through the petition and the documents placed on record and also perused the impugned order dated 12.12.2025.

7. It appears that the learned Trial Court has discussed the relevant provision of Order 13 Rule 10 of the CPC and arrived at a finding that the petitioner/defendant has not shown any case as to why they could not, without unreasonable delay or expense, obtain the documents. However, the learned Trial Court has granted liberty to bring any document on record and adduce as an evidence at the stage of evidence. As submitted by Mr. Mukherjee, learned counsel for the petitioner, the petitioner has again applied for the trace map of relevant Dag of Padma Pukhuri village. And in the event of providing the same to her by the Revenue Authority, she will definitely bring on record and led evidence before the learned Trial Court. But, in the event of refusal, the petitioner is granted liberty to approach the learned Trial Court by filing appropriate petition under Order 13 Rule 10 CPC, to call for the same from the Authority.

8. In terms of above, this civil revision petition stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant