

GAHC010064582026



2026:GAU-AS:4530

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

Case No. : CRP(IO)/104/2026

SHRI SATTAM SAHA
SON OF LATE SWADESH RANJAN SAHA, PROPRIETOR OF SATTAM
PLASTIC, RESIDENT OF MAHTA BUILDING, G.S.COLONY, FATASHIL
GUWAHATI, DISTRICT - KAMRUP M, ASSAM AND PRESENTLY RESIDING
AT HOUSE NO.48, ATHGAON PUKURIPAR, S.C. BYE LANE III, GUWAHATI-
781001.

VERSUS

ON DEATH OF ALHAZ RAMZAN MOHMMED BHATI, HIS LEGAL HEIRS 1
SMTI ZUBEDA BEGUM
WIFE OF LATE ALHAZ RAMZAN MOHMMED BHATI

2:SRI ANWAR HUSSAIN
SON OF LATE ALHAZ RAMZAN MOHMMED BHATI

3:ON THE DEATH OF ZAKIR HUSSAIN HIS LEGAL HEIRS 3 i MRS FARIDA
BEGUM

WIFE OF LATE ZAKIR HUSSAIN

4:3 (II) MR RIAZ AHMED
SON OF LATE ZAKIR HUSSAIN

5:3 (III) MR FARDEEN AHMED
SON OF LATE ZAKIR HUSSAIN

6:3(IV) MISS ZUNERA BHATI
DAUGHTER OF LATE ZAKIR HUSSAIN

7:3 (V) MISS ZIA BHATI
DAUGHTER OF LATE ZAKIR HUSSAIN

8:SMTI SHAKIRA GAURI
DAUGHTER OF LATE ALHAZ RAMZAN MOHAMMED BHATI

9:SMTI SAJIDA
DAUGHTER OF LATE ALHAZ RAMZAN MOHAMMED BHATI

10:SMTI SHABNAM BANO
DAUGHTER OF LATE ALHAZ RAMZAN MOHAMMED BHATI

11:SMTI RANJUM GAURI
DAUGHTER OF LATE ALHAZ RAMZAN MOHAMMED BHATI
ALL ARE RESIDENT OF J. B. MARKET
3RD FLOOR
JAIL ROAD H. B. ROAD
GUWAHATI
P.O. P.S.-PANBAZAR
DISTRICT-KAMRUPM
ASSAM

Advocate for the Petitioner : MR. P SARMA, S. K. GUPTA,MR T C DAS,MR. O P BHATI

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

30.03.2026

Heard Mr. O. P. Bhati, learned counsel for the petitioner and Mr. J. C. Gaur, learned counsel for the respondents, who appeared on instruction of the respondent.

2. In this petition, under Article 227 of the Constitution of India, the petitioner has challenged the Order, dated 13.03.2026; passed by the learned Civil Judge (Jr. Div.) No. 1, Kamrup(M), Guwahati; in Title Suit No. 257/2017, arising out of Title Suit No. 16/2025.

3. It is to be noted here that vide impugned order, dated 13.03.2026; the learned Trial Court has dismissed the petition No. 546, filed by the petitioner herein, seeking adjournment to file DWs evidence, on the ground that the defendant is out of station,

at Mumbai; in connection with the medical treatment of his mother.

4. Mr. Bhati, learned counsel for the petitioner submits that earlier, the petitioner had taken 4 adjournments and the last adjournment was allowed; subject to payment of cost and vide petition No. 546, dated 13.03.2026; another adjournment was sought for, as the petitioner was out of station on account of his mother's treatment at Mumbai and therefore, the evidence of DWs could not be filed and he submits that the petitioner may be allowed to file his DW and he is ready to pay any cost for the same.

5. Mr. J. C. Gaur, learned counsel for the respondent, however, has pointed out that the petitioner herein has adopted the tactics of delay in disposal of the Title Suit No. 257/2017. He further pointed out that the petitioner has filed the evidence of DW-1 in the year 2023 and the cross-examination of the DW-1 was also completed in the year 2025. However, he submits that in the event of granting another date to the petitioner, a particular date may be fixed and also, cost may be imposed.

6. Having heard the submissions of the learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record and also perused the impugned order, dated 13.03.2026.

7. It appears that the learned Trial Court has observed in the said order that after availing several adjournments, the petitioner herein could not file the evidence of DWs and he had filed the Petition No. 546, without any relevant medical and travel documents.

8. Be that as it may, since the learned counsel for the petitioner has produced the relevant document in support of seeking adjournment and is also agreeable to pay cost, and since he prays for granting only 1 adjournment to file the evidence of DW, and since Mr. Gaur, learned counsel for the respondent has also not seriously opposed to the same; this Court, in the interest of justice, is inclined to allow this petition; subject, however, to payment of cost of Rs. 5000/-, which shall be deposited before the learned Trial Court, before the next date.

9. The petitioner herein is directed to file the remaining DWs, **on or before 15.05.2026.**

10. In terms of the above, this Civil Revision Petition stands closed.

JUDGE

Comparing Assistant