

GAHC010108822025



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

Case No. : CRP/76/2025

ITC LIMITED
CPO, VIRGINIA HOUSE-37, JL NEHRU ROAD, KOLKATA-71, REPRESENTED
BY ITS AUTHORISED SIGNATORY- SRI IVAN TASO LEPCHA, SON OF SRI
TSHERING TASO LEPCHA, R/O-B-803, SPANISH GARDEN, ZOO ROAD, DIST.
KAMRUP(M), GUWAHATI-781005, ASSAM

VERSUS

RITURAJ HAZARIKA AND 4 ORS
S/O- LATE H.K. HAZARIKA, PANJABARI ROAD, SIXMILE, GUWAHATI-37,
KAMRUP METRO, ASSAM

2:PARTHO TIWARI PROPRIETOR
M/S PARTHO COMMUNICATION NETWORKS
HOUSE NO. 39
RUKMINI GAON
JURONI PATH
GUWAHATI
P.O. KHANAPARA.

3:M/S VW AUTOTEST SYSTEMS PVT. LTD.

HAVING ITS REGISTERED OFFICE AT MUMBAI
REPRESENTED BY ITS REGIONAL OFFICE SITUATED AT TRADE WINGS
COMPLEX
GNB ROAD
SILPUKHURI
GUWAHATI
KAMRUP METRO
ASSAM
PIN- 781003.

4:EQUIPMENT PLANET
C-127
NARAINA INDUSTRIAL AREA
PHASE-1
NEW DELHI-110028.

5:CONSTRUCTION OF EQUIPMENT RENTAL ASSOCIATION OF INDIA
(CERA)

C-127
2ND FLOOR
INDUSTRIAL AREA
PHASE-1
NARAINA
NEW DELHI-28

For the Petitioner(s) : Ms. M. Hazarika, Sr. Advocate

For the Respondent(s) : None appears

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 06.06.2025

Issue notice making it returnable by 6 (six) weeks.

2. The petitioner is directed to take steps upon the respondents by way of Registered Post with A/D as well as through usual process within 7 (seven) days.

3. The petitioner herein has assailed the order dated 06.01.2025 passed by the learned Civil Judge (Senior Division) No. 3, Kamrup (M), Guwahati in Title Suit No. 76/2018 whereby the application filed under Order I Rule 10 read with Order VII

Rule 11 of the Code of Civil Procedure, 1908 seeking striking out and rejection of the plaint against the petitioner was rejected.

4. This Court has enquired with Ms. M. Hazarika, the learned Senior Counsel, as to what, is the status of the suit.

5. Ms. M. Hazarika, the learned Senior Counsel appearing on behalf of the petitioner submitted that the suit is at the stage of plaintiff evidence.

6. Considering the above, though, this Court has issued notice, this Court is not inclined to stay the further proceedings of Title Suit No. 76/2018 pending before the learned Court of the Civil Judge (Senior Division) No. 3, Kamrup(M), Guwahati and this Court further observes and directs the learned Trial Court i.e. the learned Court of the Civil Judge (Senior Division) No. 3, Kamrup(M), Guwahati to proceed with the suit, uninfluenced by the pendency of the instant proceedings.

7. List accordingly.

JUDGE

Comparing Assistant