

GAHC010159182024



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

Case No. : CRP(IO)/288/2024

ASHAMONI BORAH
D/O SRI SURENDRA NATH GOGOI
RESIDENT OF HOUSE NO. 3, KANCHAN NAGAR, JAIL ROAD NEAR POST
OFFICE, PO BORBHETA, DIST JORHAT, ASSAM 785004

VERSUS

SANJEEB KUMAR BORAH
S/O LATE GOLAP CHANDRA BORAH,
RESIDENT OF PARBOTIA BALUGADA TINIALI, PO HUKANPUKHURI, PS
AND DIST TINSUKIA, ASSAM

Advocate for the Petitioner : MR N PATIRI, MR. K KAKOTI, A J KASHYAP
Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

09.08.2024

Heard Mr. N. Patiri, learned counsel for the petitioner.

In this petition, under Article 227 of the Constitution of India, the petitioner Smti X (withheld) has put to challenge the correctness or otherwise of the order dated 25.06.2024, passed by the Learned Additional District Judge, FTC No. 2, Tinsukia, Assam in Petition No. 1635/2023 and 259/2024 in Title Suit (M)

No. 136/ 2015.

Mr. Patiri, learned counsel for the petitioner submits that the petitioner has filed 2 (two) petitions bearing No. 1635/2023, for recalling the witnesses, and another petition being 259/2024, for amendment of the written statement, and vide impugned orders, the learned trial court had dismissed both the petitions. Mr. Patiri, further submits that this Court in CRP No. 29/2024, vide order dated 01.03.2024, was pleased to direct the learned trial Court to dispose of 4 (four) applications/petitions separately, by passing separate orders, after applying judicial mind. But, the learned trial Court without applying the judicial mind has disposed of the aforesaid applications/petitions vide composite order dated 25.06.2024.

The submission of Mr. Patiri, learned counsel for the petitioner needs further consideration.

At this stage, let notice be issued to the respondent returnable in 4 (four) weeks.

Steps be taken by the Registered Post with A/D as well as by usual process within a week from today.

Registry shall call for the scanned copy of the record from the learned trial Court.

Till the returnable date, further proceeding of Title Suit (M) No. 136/ 2015, stands stayed, having regard to the submission of learned counsel and issue raised in this petition.

List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant