

GAHC010267952025



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

Case No. : CRP(IO)/521/2025

SMTI SUDHA BARUAH
W/O LATE NAKUL CHANDRA BARUAH, R/O HOUSE NO - 618, OPPOSITE
RAJIB BHAWAN, NBS COMMERCIAL BUILDING, P.O -CHRISTIAN BASTI,
DIST- KAMRUP (METRO), ASSAM

VERSUS

RANJIT BARUAH
S/O SRI LOHIT CHANDRA BARUAH, R/O H.NO -20, CHENIKUTHI, HILL
SIDE, KUCHAL KONWAR PATH, P.O - CHENIKUTHI, DIST- KAMRUP
(METRO), ASSAM, PIN- 781003

Advocate for the Petitioner : MR. P P DAS, MR. SURAJIT DAS

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 19.01.2026

- 1.** Heard Mr. S. Das, learned counsel for the petitioner.
- 2.** On perusal of the office note dated 07.01.2026, it appears that the notice issued to the sole respondent by speed post has not yet returned.
- 3.** The Registry is directed to place the track consignment report of the

notices sent to the sole respondent by speed post on the next date fixed i.e., on 10th of February, 2026.

4. It also appears that the scanned copy of the Trial Court records have been received.

5. The learned counsel for the petitioner has submitted that in this CRP(I/O), the petitioner is aggrieved by the impugned order by which the amendment of the probate application was allowed even after commencement of trial though the petitioner before the Trial Court had failed to show any due diligence on his part.

6. The learned counsel for the petitioner has submitted that under such facts and circumstances of this case, he is praying for interim relief of stay of further proceeding of the probate title suit as if the case proceeds with amendment which is impugned in this CRP taken on record, he will be highly prejudiced.

7. I have considered the submissions made by the learned counsel for the petitioner.

8. Considering the nature of grievance raised by the applicant in this CRP(IO), this Court is of considered opinion that any relief be it final or interim in nature may be considered only after due service of notice on the other side i.e., sole respondent. Hence, the prayer for interim relief would be considered by this Court only after due service of notice on the sole respondent.

9. The petitioner is not precluded from approaching the Trial Court and praying for adjournment on the aforesaid ground and if such an adjournment application is filed, same shall be decided by the Trial Court on its own merit.

10. List this matter again on 10th of February, 2026.

JUDGE

Comparing Assistant