

GAHC010005512023



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

Case No. : I.A.(Civil)/96/2023

THE NATIONAL COUNCIL OF YMCAS OF INDIA (NCYI)
REPRESENTED BY ITS NATIONAL GENERAL SECRETARY (NGS) MR.
BERTRAM DEVADAS,
SON OF LATE V.H. DEVADAS,
AGED ABOUT 62 YEARS, HAVING REGISTERED HEAD OFFICE AT K.T.
PAUL MEMORIAL BLOCK, 4TH FLOOR, JAI SINGH ROAD, NEW DELHI-
110001.

VERSUS

BIROL BASUMATARY AND ANR.
S/O- SHRI SAKARIA BASUMATARY, R/O RAMKHE NAGAR, KALAPANI, P.O.-
MALIGAON, P.S.- JALUKBARI, GUWAHATI- 781035, DIST.- KAMRUP(M),
ASSAM.

2:RAJU SWARGIARY
S/O- LATE. GOPAL SWARGIARY

R/O- A.K. DEV ROAD
KATAHBARI

P.O. AND P.S.- GARCHUK

GUWAHATI- 781035
ASSAM

Advocate for the Petitioner : MR. B D DEKA

Advocate for the Respondent :

Linked Case : CRP(IO)/312/2022

THE NATIONAL COUNCIL OF YMCAS OF INDIA (NCYI)
REPRESENTED BY ITS NATIONAL GENERAL SECRETARY (NGS) MR.
BERTRAM DEVADAS

SON OF LATE V.H. DEVADAS

AGED ABOUT 62 YEARS
HAVING REGISTERED HEAD OFFICE AT K.T. PAUL MEMORIAL BLOCK
4TH FLOOR
JAI SINGH ROAD
NEW DELHI- 110001.

VERSUS

BIROL BASUMATARY AND ANR.
S/O- SHRI SAKARIA BASUMATARY

R/O RAMKHE NAGAR
KALAPANI

P.O.- MALIGAON
P.S.- JALUKBARI

GUWAHATI- 781035
DIST.- KAMRUP(M)
ASSAM.

2:RAJU SWARGIARY
S/O- LATE. GOPAL SWARGIARY

R/O- A.K. DEV ROAD
KATAHBARI

P.O. AND P.S.- GARCHUK

GUWAHATI- 781035
ASSAM.

Advocate for : MR. B D DEKA
Advocate for : MR. R SARMA (r-1) appearing for BIROL BASUMATARY AND
ANR.

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 12-04-2023

Heard Mr. B. D. Deka, learned counsel for the petitioner. Also heard Mr. R. Sarma, learned counsel for the respondent No.1 and Mr. B.Borah, learned counsel for the respondent No. 2.

The present IA is filed in the background fact that the prayer page i.e. Page 8(a) of the connected revision petition being CRP (I/O) 312/2022 was misplaced and was not made part in both the copies of the revision petition i.e. the original copy of the court record as well as the copy of the learned counsel. It is pleaded that such inadvertent mistake took place as the revision petition was notarised at Delhi and was sent through courier and accordingly it was filed at Guwahati and during transit such page was misplaced .

Mr Deka, learned counsel submits that there is also a fault on the part of the Lawyer in not verifying such page and straightway filing this. However he submits that such mistake is inadvertent. Accordingly he prays that present petition be allowed by allowing the petitioner to incorporate the prayer portion i.e. Page 8(a) in the connected Revision Petition.

On the other hand, Mr. R. Sarma, learned counsel submits that the petitioner was negligent in filing such application and such kind of negligence should not be given indulgence.

Considered the submissions. This court is of the view that though learned counsel and filing clerk ought to have been more cautious in filing the petition and the Registry of this court in registering a petition without a prayer portion,

however, in the interest of justice, the present petition is allowed, otherwise the revision petition itself shall become infructuous .

Accordingly, the Registry is to allow the petitioner to incorporate Page-8(a) in the connected Civil Revision Petition with the prayer portion as stated in IA(C) No. 96/2023 and list the matter thereafter. Registry to list the revision petition after correction and incorporation of Page 8(a).

The petitioner is to supply the corrected copy of the Revision Petition to the learned counsel for the respondent Nos.1 and 2 before the next date of listing.

JUDGE

Comparing Assistant