

GAHC010037542020



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

Case No. : CRP(IO)/56/2020

HABIB ALI BARBHUIYA AND ANR
S/O- LATE IMRAN ALI BARBHUIYA, VILL- MOHANPUR GRANT, P.O-
MOHANPUR, P.S- ALGAPUR, DIST- HAILAKANDI

2: ABDUL BASIT AHMED BARBHUIYA
S/O- HABIB ALI BARBHUIYA
VILL- MOHANPUR GRANT
P.O- MOHANPUR
P.S- ALGAPUR
DIST- HAILAKAND

VERSUS

FARIJ UDDIN BARBHUIYA AND 8 ORS
S/O- LATE ISAK ALI BARBHUIYA, VILL- BURNIBREASE KHASIAPUNJI, P.O-
MOHANPUR, P.S- ALGAPUR, DIST- HAILAKANDI, ASSAM, PIN- 788151

2:NASIR UDDIN BARBHUIYA
S/O- LATE ISAK ALI BARBHUIYA
VILL- BURNIBREASE KHASIAPUNJI
P.O- MOHANPUR
P.S- ALGAPUR
DIST- HAILAKANDI
ASSAM
PIN- 788151

3:NUR UDDIN BARBHUIYA
S/O- LATE ISAK ALI BARBHUIYA
VILL- BURNIBREASE KHASIAPUNJI
P.O- MOHANPUR
P.S- ALGAPUR
DIST- HAILAKANDI
ASSAM
PIN- 788151

4:RIAJ UDDIN BARBHUIYA
S/O- LATE ISAK ALI BARBHUIYA
VILL- BURNIBREASE KHASIAPUNJI
P.O- MOHANPUR
P.S- ALGAPUR
DIST- HAILAKANDI
ASSAM
PIN- 788151

5:AFTAB UDDIN BARBHUIYA
S/O- LATE ISAK ALI BARBHUIYA
VILL- BURNIBREASE KHASIAPUNJI
P.O- MOHANPUR
P.S- ALGAPUR
DIST- HAILAKANDI
ASSAM
PIN- 788151

6:PIARUN NESSA BARBHUIYA
D/O- LATE ISAK ALI BARBHUIYA
VILL- BURNIBREASE KHASIAPUNJI
P.O- MOHANPUR
P.S- ALGAPUR
DIST- HAILAKANDI
ASSAM
PIN- 788151

7:AIFUL BEGUM BARBHUIYA
S/O- LATE ISAK ALI BARBHUIYA
VILL- BURNIBREASE KHASIAPUNJI
P.O- MOHANPUR
P.S- ALGAPUR
DIST- HAILAKANDI
ASSAM
PIN- 788151

8:ANWARA BEGUM BARBHUIYA
S/O- LATE ISAK ALI BARBHUIYA
VILL- BURNIBREASE KHASIAPUNJI
P.O- MOHANPUR
P.S- ALGAPUR
DIST- HAILAKANDI
ASSAM
PIN- 788151

9:ALTAFUN NESSA BARBHUIYA
S/O- LATE ISAK ALI BARBHUIYA

VILL- BURNIBREASE KHASIAPUNJI
P.O- MOHANPUR
P.S- ALGAPUR
DIST- HAILAKANDI
ASSAM
PIN- 78815

Advocate for the Petitioner : MR M J QUADIR

Advocate for the Respondent :

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 16.06.2023

Heard Mr. M. J. Quadir, learned counsel for the petitioners.

The respondents side remain unrepresented though it reveals from the record that services are already completed.

This revision petition is preferred against the impugned order dated 19.12.2019,, passed by the learned Civil Judge, Hailakandi, in T.S. No. 53/2016, whereby, the learned Court below has rejected the petition filed by the plaintiff/petitioner seeking adjournment and accordingly closed the plaintiff's evidence.

It is submitted by the learned counsel for the petitioners that in the impugned order dated 19.12.2019, the learned Civil Judge, Hailakandi, has reflected several dates on which the adjournments were sought for by the plaintiff's side and after considering the earlier adjournments sought for by the plaintiff, the petition filed on the last date, i.e. on 19.12.2019, was rejected and plaintiff's evidence were accordingly closed. However, from the certified copies of the order sheets, it shows that on several occasions, the plaintiff/petitioner was present along with his witness, but due to adjournment sought by the defendant/respondent side as well as due to leave of the learned Court below, the evidence of plaintiff witnesses could not be recorded.

However, from the order dated 19.12.2019, it reveals that prior to the year 2018, on several occasions, the plaintiff took adjournments which were allowed and hence, considering the earlier adjournments took by the plaintiff side, vide order dated 19.12.2019, the petition for adjournment was rejected by the learned Court below. Thus, it is seen that no illegality has been committed by the learned Civil Judge, Hailakandi, while rejecting the prayer for adjournment filed by the plaintiff/petitioner. However, in the same time, it also cannot be denied that the adjournment was not only sought for by the plaintiff side, but also on several occasion the adjournment was sought for by respondent side.

In view of above and also for the ends of justice, the petitioner/plaintiff may be given chance to adduce evidence of remaining P.Ws. and accordingly, the petitioner/plaintiff is hereby asked to produce all the P.Ws. for their cross-examination on the date fixed by the learned Civil Judge, Hailakandi.

Accordingly, both the parties are hereby directed to appear before the learned Civil Judge, Hailakandi, on 19.07.2023.

With the above observation, the present petition stands allowed and disposed of.

JUDGE

Comparing Assistant