

GAHC010267022023



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

Case No. : I.A.(Crl.)/1140/2023
In Crl.Pet./1225/2023

MEENAKSHI MAHANTA BRAHMA
W/O LATE DIPANKAR BRAHMA
R/O PERMANENT ADDRESS- WIRELESS, RUKMINI NAGAR,
KARMABIR BORDOLOI PATH, OPP. BSNL TELECOM OFFICE,
NEAR KALI MANDIR, BELTOLA ROAD,
HOUSE NO. 2, DEEPAK BHAWAN, P.O. AND P.S. DISPUR, GUWAHATI, PIN-
781006 ,PRESENT ADDRESS- ASWKUCHI, OPPOSITE NEAR TO SEVEN
HEAVEN APARTMENT, HOCKY STADIUM GATE NO. 2,
PIN-781040, PH. NO. 8638780368

VERSUS

KALYANI BRAHMA,
W/O LATE ISHAN CH. BRAHMA, R/O WIRELESS, RUKMINI NAGAR,
KARMABIR BORDOLOI PATH, OPP. BSNL TELECOM OFFICE, NEAR KALI
MANDIR, BELTOLA, ROAD, HOUSE NO. 2, DEEPAK BHAWAN, P.O. AND P.S.
DISPUR, GUWAHATI, PIN-781006

Advocate for the Petitioner : MR S DEWRI

Advocate for the Respondent :

- B E F O R E -

HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA
ORDER

22.12.2023

Heard Mr. S. Dewri, learned counsel for the applicant. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam.

This Interlocutory Application has been filed by the applicant praying for correction of the order dated 21.11.2023 passed by this Court in Crl.Pet. No.1225/2023.

It is submitted by the learned counsel for the applicant that in the order dated 21.11.2023 passed by this Court in Crl.Pet.1225/2023, instead of quoting the order dated 06.11.2023 passed in D.V. Case No.183/2022, the order passed in DV Case No.194/2022 has been wrongly quoted. It is submitted that the same needs to be corrected.

On perusal of the case record, it appears that in fact the quoted paragraph is not of the order dated 06.11.2023 passed in DV Case No.183/2022 but of the order dated 06.11.2023 passed in DV Case No.194/2022. This appears to be due to an inadvertent mistake committed while quoting the said order and hence, it needs to be corrected.

Therefore, in the order dated 21.11.2023 passed by this Court in Crl.Pet. No.1225/2023, following order shall be read as passed on 06.11.2023 in DV Case No.183/2022 instead of what has been quoted in the said order:-

“06.11.2023

1. *Today was fixed for hearing on Interim Relief/cross.*
2. *I have heard both sides in presence of one another.*
3. *The aggrieved in this case has prayed for passing an order preventing Smti Minakshi Mahanta Brahma from entering into the house and premises of Smti Kalyani Brahma. The respondent has objected vehemently to the prayer on the following grounds-*
 - i) *That, the aggrieved lived with the husband who is now deceased in the said household since her marriage.*
 - ii) *That, the respondent has a right to live in the house where she*

resided with her husband.

iii) That, on her belongings are in the first floor of the said household including her furniture.

iv) That, after the death of her husband the respondent was not allowed to live in the said house and the electricity and water connection was cut off.

4. Perusal of the C/R reveals that the said property was the self acquired property of the deceased husband of the aggrieved late Ishan Ch. Brahma who is the father-in-law of the respondent. As such, the prayer for prohibiting the respondent from entering the property of her deceased father-in-law where in the aggrieved presently resides, is allowed.

5. The respondent hereby prohibited from entering the present residence of the aggrieved until disposal of this case.

6. The aggrieved is at liberty to approach the concerned PS who shall act as per law, in case of violation of this order of this Court.

7. Fixing 01.12.2023 for filing evidence on affidavit.”

The above quoted order dated 06.11.2023 passed in DV Case No.183/2022 shall be read in the order dated 21.11.2023 passed by this Court in Crl.Pet. No.1225/2023 in place of what has been wrongly quoted therein.

With the above observations, this Interlocutory Application is hereby disposed of.

JUDGE

Comparing Assistant