

GAHC010015132024



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

Case No. : CRP(IO)/34/2024

PRATAP CHANDRA MEDHI AND 3 ORS
CHAIRMAN,
EK SARAN BHAGAWATI SAMAJ, ASSAM, CENTRAL OFFICER CUM
VCENTRAL PALNAM THAN NIZ SILA BONDHA KOLIYABOR , NOWGONG,
ASSAM, PIN-782137

2: DEHESWAR BORAH
ACHARYA

EK SARAN BHAGAWATI SAMAJ ASSAM

MAHAPURIYA PALNAM THAN

RONGBONG PHATAR
NANADPUR GAON

P.O- KANAIGHAT
GOLAGHAT
ASSAM
-875699

3: BALIRAM DAS
UPACHARYA

EK SARAN BHAGAWATI SAMAJ ASSAM
BEBEJIA
PALNAM THAN

BEBEJIA
NOWGONG
ASSAM
-782142

4: KESAB NATH
AUTHORIZED REP. OF KRISHNA NAGAR NAMGHAR
EK SARAN BHAGAWATI SAMAJ
ASSAM
KAHILIPARA
GUWAHATI

DIST- KAMRUP (M)
ASSAM
PIN-78101

VERSUS

EK SARAN BHAGWATI SAMAJ AND ANR (E)
ASSAM, REP HEREIN BY ITS PRINCIPAL SECRETARY, SRI JYOTI PRASAD
DAS, AGED 53,
ADDRESS-
OFFICE OF THE EK SARAN BHAGAWATI SAMAJ, ASSAM, ASTAPRAHAR
PALNAM THAN,
P.O- JALUGUTI,
P.S- MIKIRBHETA, DIST- MORIGAON, ASSAM, PIN-782104

2:CENTRAL EXECUTIVE COMMITTEE
OF THE EK SARAN BHAGAWATI SAMAJ
ASSAM
REP. HEREIN BY ITS UPACHARYA SRI DHARMESWAR DAS

OFFICE ADDRESS-
OFFICE OF THE EK SARAN BHAGAWATI SAMAJ
ASSAM

ASTAPRAHAR PALNAM THAN

P.O- JALUGUTI

P.S- MIKIRBHETA
DIST- MORIGAON
ASSAM
PIN-78210

For the Applicant(s) : Mr. J. Sharma, Advocate

For the Respondent(s) : Mr. A. N. Sharma, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 22.03.2024

1. This is an application under Article 227 of the Constitution challenging the order dated 08.01.2024 passed in Misc.(J) Case No.572/2023 by the Court of the Civil Judge, (Senior Division) No.1, Kamrup (M) at Guwahati.
2. It is the case of the Petitioners that an application under Order XXIX Rule 2A of the Code of Civil Procedure, 1908 was filed by the Plaintiffs and the Petitioners herein who are the Respondents in the said application wanted to file an objection to the said application. It has been submitted by the learned counsel for the Petitioners that on account of a challenge being made to the injunction proceedings, the records of the proceeding were called for before the First Appellate Court. The First Appellate Court thereupon after disposal of the said appeal returned the records. Under such circumstances, the Respondents in the said application could not get an opportunity to file their reply.
3. This Court has also heard the learned counsel for the Plaintiffs/Respondents herein who submitted that he has no objection if the Petitioners are permitted to file an objection however he submitted that the Petitioners cannot further delay in filing the said objections.
4. Taking into account the above, this Court interferes with the order dated 08.01.2024 and grants the liberty to the Petitioners herein who are the Respondents in Misc.(J) Case No.572/2023 to file their objection.
5. The interim order dated 29.01.2024 passed by this Court stands vacated and the parties are hereby directed to appear before the learned Trial Court on

10.04.2024 and on that date, the Petitioners herein who are Respondents in Misc. (J) Case No.572/2023 shall file their objections without fail.

6. With above observations and directions, the instant revision petition stands disposed of.

JUDGE

Comparing Assistant