

GAHC010015772024



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

Case No. : CRP(IO)/46/2024

JADAB DAS AND 2 ORS.

S/O- LATE GANESWAR DAS, R/O- GARIGAON, LUITPUR, P.O. GARIGAON,
P.S. JALUKBARI, GUWAHATI, DIST. KAMRUP(M), PIN- 781012, ASSAM

2: RAMESH DAS

S/O- LATE GANESWAR DAS

R/O- GARIGAON

LUITPUR

P.O. GARIGAON

P.S. JALUKBARI

GUWAHATI

DIST. KAMRUP(M)

PIN- 781012

ASSAM

3: BIMAL DAS

WRONGLY WRITTEN AS SRI JAGAT DAS BY THE PLAINTIFF. S/O- LATE
GANESWAR DAS

R/O- GARIGAON

LUITPUR

P.O. GARIGAON

P.S. JALUKBARI

GUWAHATI

DIST. KAMRUP(M)

PIN- 781012

ASSA

VERSUS

MD. SAHANUR ALI AND 2 ORS.

S/O- LATE ASHAN ALI, R/O- VILL.- BARIJANI, P.O. PACHARIA, P.S. HAJO,
DIST.KAMRUP, ASSAM, PIN- 781104.

2:DR. BRAJENDRA NATH KALITA

S/O- LATE DASI RAM KALITA
R/O- VILL.- BARIJANI
P.O. PACHARIA
P.S. HAJO
DIST. KAMRUP
ASSAM
PIN- 781104.

3:MD. ESUB ALI
S/O- LATE NAZUM ALI
R/O- VILL.- GARIGAON
P.O. GARIGAON
P.S. JALUKBARI
GUWAHATI
DIST.KAMRUP(M)
PIN- 781012
ASSA

Advocate for the Petitioner : MR. A SATTAR

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

05.02.2024

Heard Mr. A. Sattar, learned counsel for the petitioners.

This is an application under Article 227 of the Constitution of India challenging the order dated 23.06.2023 passed by the learned Civil Judge No. 3, Kamrup (Metro) in T.S. No. 128/2022.

On 11.04.2023, the written statement and written objection filed by the petitioners in the connected miscellaneous case were accepted by the trial court. But, on 23.06.2023 the trial court passed an order stating that the aforesaid written statement and the written objection were inadvertently accepted and the same were rejected.

After hearing the learned counsel for the petitioners, I find that the impugned order dated 23.06.2023 is an example of non-exercise of judicial mind. This is a peculiar order and the same is bad in law. Therefore, the impugned order 23.06.2023 passed by the

learned Civil Judge No. 3, Kamrup (Metro) in T.S. No. 128/2022 is set aside. The written statement and the written objection filed by the petitioners shall be accepted by the trial court and thereafter, the trial court shall proceed to dispose of the matter in accordance with law.

With the above, the civil revision petition stands disposed of.

JUDGE

Comparing Assistant