

GAHC010021292024



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

Case No. : CRP(IO)/48/2024

DELHI PUBLIC SCHOOL, DULIAJAN AND ANR.
P.O.-DULIAJAN, DIST-DIBRUGARH, ASSAM, PIN-786602, REPRESENTED BY
ITS PRINCIPAL SRI SUBRAHMANYA KUMAR SRIPADA (AGE 53 YEARS)

2: THE PRINCIPAL
DELHI PUBLIC SCHOOL
DULIAJAN
P.O.-DULIAJAN
DIST-DIBRUGARH
ASSAM
PIN-78660

VERSUS

BARUAS INDUSTRIES AND 2 ORS
A REGISTERED PARTNERSHIP FIRM, HAVING ITS HEAD OFFICE AND
PRINCIPAL PLACE OF BUSINESS AT TIPLING, P.O.-ZALONI, DIBRUDWAR-
786602, P.S.-DULIAJAN, DIST- DIBRUGARH, ASSAM

2:GAUTAM KUMAR BARUAH
PARTNER
M/S BARUAS INDUSTRIES
TIPLING
P.O.-ZALONI
DIBRUDWAR-786602
P.S.-DULIAJAN
DIST- DIBRUGARH
ASSAM

3:PRITAM BARUAH
PARTNER
M/S BARUAS INDUSTRIES
TIPLING
P.O.-ZALONI

DIBRUDWAR-786602
P.S.-DULIAJAN
DIST- DIBRUGARH
ASSA

Advocate for the petitioner(s): Mr. Z Mukit

Advocate for the respondent(s): Mr. GN Sahewalla,
Senior Advocate

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

10.04.2024

This is an application under Article 227 of the Constitution challenging the order dated 11.01.2024 passed in Commercial Suit No.02/2023 by the Court of the learned Civil Judge (Senior Division) Dibrugarh, whereby the said Court had not only directed the Principal of the Delhi Public School (for short, the DPS), who is the defendant in the said suit, but also all members of the Governing Body of the defendant No.1 to be personally present in the Court.

2. It is seen that the said order was passed in connection with an application filed by one Shri Surya Kanta Singh to implead himself as the defendant in the said suit. It has been brought to the notice of the Court during the court proceedings, that the learned Trial Court vide the order dated 12.02.2024 had permitted the said Shri Surya Kant Singh to be impleaded as the defendant No.3 in the said suit.

3. This Court finds it very pertinent to observe that from a perusal of the order dated 11.01.2024, there is nothing mentioned as to why the learned Trial

Court was of the opinion that there was a requirement of calling for the personal appearance of the Principal as well as the member of the Governing Body of the defendant No.1.

5. This Court also has taken note of the copy of the plaint wherein the reliefs which have been sought for relates to the entitlement of the plaintiffs for continuing to provide the services of 8 numbers of bus to the defendant No.1 till expiry of the contractual period and other consequential relief.

6. This Court has also taken note of that the defendant Nos.1 and 2 had also filed their written statement. Under such circumstance, there was no occasion for the learned Trial Court to direct the personal appearance of the Principal and the members of the Governing Body of the defendant No.1. in the said circumstances. Accordingly, this Court interferes with the order dated 11.01.2024 passed by the Court of the learned Civil Judge (Senior Division) Dibrugarh in Commercial Suit No.02/2023 and the same stands set aside and quashed.

7. Taking into account the above, the instant revision petition stands allowed to the above extent.

JUDGE

Comparing Assistant