

GAHC010021682015



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

Case No. : Tr.P.(C)./67/2015

ABZAL HUSSAIN BARBHUIYA
S/O. HILAL UDDIN BARBHUIYA, VILL. VICHINGSA-I, P.O. VICHINGCHA,
P.S. and DIST. HAILAKANDI, ASSAM.

VERSUS

GOPAL SAHI
S/O. JEET BAHADUR SAHI, VILL. KAUHMUA, DIST. MAMIT, MIZORAM.

Advocate for the petitioner(s): Mr. KA Mazumder

Advocate for the respondent(s): X X

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

26.06.2024

Heard Mr. KA Mazumder, the learned counsel appearing on behalf of the

petitioner.

2. This is an application under Section 24 of the Code of Civil Procedure, 1908 for transfer of the Money Suit No.138/2015 pending in the Court of the learned Civil Judge at Aizawl to a Court of competent jurisdiction at Hailakandi.

3. The ground which has been assigned in the instant application is that the Court at Aizawl does not have the jurisdiction.

4. This Court would not like to comment on that aspect of the matter, taking into account that if the Court does not have the territorial jurisdiction, it would be a case of return of the plaint under Order VII Rule 10 or Rule 10 A of the Code.

5. Be that as it may, from a perusal of the plaint, this Court finds no ground for exercising the powers under Section 24 of the Code.

6. Under such circumstances, the instant proceedings stands dismissed.

7. The interim order so passed on 19.09.2015 stands vacated and the parties are directed to appear before the Court of the learned Civil Judge at Aizawl on 19.08.2024.

8. Taking into account that the respondent herein, who is the plaintiff in the suit has not appeared in the instant proceedings, the learned Trial Court i.e. the Court of the learned Civil Judge at Aizawl before proceeding with the said suit being Money Suit No.138/2015 shall issue due notice to the plaintiff.

JUDGE

Comparing Assistant