

GAHC010022142024



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

Case No. : CRP(IO)/55/2024

RAJASHREE BHADRA KARMAKAR
W/O- RATAN KARMAKAR, ADDRESS- INSTITUTE COLONY, NEAR
DAKSHINESHWAR KALI MANDIR, P.O. PANDU, DIST. KAMRUP(M), ASSAM,
PIN- 781012.

VERSUS

RATAN KARMAKAR
H/O- MRS. RAJASHREE BHADRA KARMAKAR, ADDRESS- JYOTINAGAR,
SARASWATI COLONY, WARD NO. 06, P.O. RANGIA, PIN- 781354, DIST.
KAMRUP, ASSAM

Advocate for the Petitioner : SWATI. B. BARUAH (TG)

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

12.02.2024

Heard Swati B. Baruah (TG), learned counsel for the petitioner.

This is an application filed under Article 227 of the Constitution of India challenging the order dated 27.09.2023 passed by the learned Principal Judge No. 03, Family Court, Kamrup (Metro) arising out of FC (Civil) Case No. 105/2023.

The petitioner is the defendant before the trial court. She prayed for some time to file her written statement on certain grounds, which were not required to be mentioned in this order. However, the trial court refused to grant time to the petitioner to file written statement and directed to proceed with the case without the written statement of the petitioner.

After hearing the learned counsel for the petitioner, this court is of the opinion that the impugned order dated 27.09.2023 shows that no judicial mind was applied while rejecting the prayer of the petitioner. Therefore, the order dated 27.09.2023 passed by the learned Principal Judge No. 03, Family Court, Kamrup (Metro) arising out of FC (Civil) Case No. 105/2023 is bad in law and accordingly stands set aside.

The trial court is directed to allow the petitioner to file written statement and thereafter, the court shall proceed to dispose of the case in accordance with law.

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

JUDGE

Comparing Assistant