

GAHC010024442024



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

Case No. : CRP(IO)/59/2024

PURNENDU DAS

S/O- LATE NIRANJAN DAS, R/O- NILMONI ROAD, WARD NO. 10,
KARIMGANJ TOWN, P.O., P.S. AND DIST. KARIMGANJ, ASSAM, PIN- 788710.
VERSUS

CHITTARANJAN DAS AND 9 ORS.

S/O- NARENDRA NATH DAS, PURBASHA APARTMENT, FLAT NO. 1 A,
SUBHAS PALLY, SILIGURI, DIST. DARJEELING, WEST BENGAL, PIN-
734001.

2:THE STATE OF ASSAM
REPRESENTED BY THE DEPUTY COMMISSIONER
KARIMGANJ
P.O. AND DIST. KARIMGANJ
ASSAM
PIN- 788710.

3:THE DEPUTY COMMISSIONER
KARIMGANJ
P.O. AND DIST. KARIMGANJ
ASSAM
PIN- 788710.

4:THE CIRCLE OFFICER
KARIMGANJ
P.O. AND DIST. KARIMGANJ
ASSAM
PIN- 788710.

5:THE SUB-REGISTRAR (SADAR)
KARIMGANJ
P.O. AND DIST. KARIMGANJ
ASSAM
PIN- 788710.

6:AMALENDU DAS
S/O- LATE NIRANJAN DAS
R/O- NILMONI ROAD
WARD NO. 10
KARIMGANJ TOWN
P.O. AND DIST. KARIMGANJ
ASSAM
PIN- 788710.

7:NIRMALENDU DAS
S/O- LATE NIRANJAN DAS
R/O- NILMONI ROAD
WARD NO. 10
KARIMGANJ TOWN
P.O. AND DIST. KARIMGANJ
ASSAM
PIN- 788710.

8:BIMALENDU DAS
S/O- LATE NIRANJAN DAS
R/O- NILMONI ROAD
WARD NO. 10
KARIMGANJ TOWN
P.O. AND DIST. KARIMGANJ
ASSAM
PIN- 788710.

9:ARUNAVA DAS
S/O- LATE NIRANJAN DAS
R/O- NILMONI ROAD
WARD NO. 10
KARIMGANJ TOWN
P.O. AND DIST. KARIMGANJ
ASSAM
PIN- 788710.

10:SUDIP DAS
S/O- LATE NIRANJAN DAS
R/O- NILMONI ROAD
WARD NO. 10
KARIMGANJ TOWN
P.O. AND DIST. KARIMGANJ
ASSAM
PIN- 788710

Advocate for the Petitioner : MR J DAS

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

23.02.2024

Heard Mr. J Das, learned counsel for the petitioner as well as Ms. K Phukan, learned Government Advocate, Assam for the respondent nos. 2 to 5.

This is an application filed under Article 227 of the Constitution of India challenging the order dated 07.11.2023 passed by the learned Civil Judge, Karimganj in Petition No. 312/2013 arising out T.S. No. 80/2019.

The petitioner being the plaintiff filed a petition being Petition No. 312/2013 praying before the court to call for a Report from the Circle Officer, Karimganj regarding the present market value of the suit land.

The trial court held that no such petition can be filed by any party of the suit asking the Court to call for reports.

Ms. Phukan submits that there is no wrong in the order passed by the learned trial court.

I have considered the submission made by the learned counsel for both the sides. This court is of the opinion that CPC has different provision which can be used by the trial court to call for reports from the different authorities.

I have considered opinion that here, in this case, the learned trial court failed to exercise judicial mind while passing the impugned order. Hence, the impugned order dated 07.11.2023 passed by the learned Civil Judge, Karimganj in Petition No. 312/2013 arising out T.S. No. 80/2019 is not sustainable in law and stands set aside.

The trial court is directed to call for the report from the Circle Officer, Karimganj to ascertain the market value of the suit land and after that, the trial court shall proceed to dispose of the case in accordance with law.

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

JUDGE

Comparing Assistant