

GAHC010030722024



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

Case No. : I.A.(Civil)/533/2024

HEMALATA DUTTA,
WIFE OF LATE GHANA KANATA DUTTA,
RESIDENT OF HOUSE NO. 3, BYE LANE NO. 1,
NARAKASUR, P.O.- KAHILIPARA, P.S.- DISPUR,
GUWAHATI- 781019, DISTRICT- KAMRUP(M),
ASSAM.

VERSUS

DR. LOHIT KUMAR KALITA
S/O- LATE CHANDRA KANTA KALITA, RESIDENT OF MARRIED DOCTORS
FLAT (QUARTER) NO. DF-B1, GAUHATI MEDICAL COLLEGE CAMPUS, P.O.-
INDRAPUR, GUWAHATI- 781032, DISTRICT- KAMRUP(M), ASSAM.

Advocate for the Petitioner : MR. N DHAR, MR. B K SEN, MR A HUSSAIN, N HASAN, MR F
HAQUE

Advocate for the Respondent : MR. R K BHUYAN, MR A ZAMAN, MR. M KASHYAP

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 21.08.2024

Heard Mr.B.K.Sen, learned counsel for the applicant and Mr.R.K.Bhuyan,

learned counsel appears for the opposite party.

By filing this interlocutory application under Section 153 r/w Section 151 CPC, the applicant has prayed for necessary correction/ rectification in the pleading in T.S. No.113/2014 pending in the Court of learned Civil Judge (Senior Division) No.1, Kamrup (Metro), Guwahati.

It is submitted by learned counsel for the applicant that the applicant has inadvertently in the prayer portion of application dated 11.04.2023 has prayed to "receive those documents in evidence at the hearing of the suit instead of praying "to receive the documents in the case record for the purpose of cross examination of the witnesses of the other party or handover to the witness merely to refresh memory" and the said bonafide mistake of the plaintiff/applicant may kindly be rectified which may be read as "to receive the documents in the case record for the purpose of cross examination of the witnesses of the other party or handover to the witness merely to refresh memory" instead of " to grant leave of the documents annexed herewith be received in evidence on her behalf at the hearing of the suit" under Order 13 Rule 1 (3) of CPC, or otherwise the applicant shall suffer irreparable loss and injury.

On the other hand, learned counsel for the opposite party has made no objection on such correction.

Having heard learned counsel for the parties and perusal of the averments made in the application, the necessary correction as sought for by the applicant is hereby allowed.

Learned trial court is directed to do the needful in accordance with law.

Interlocutory application is disposed of.

JUDGE

Comparing Assistant