

GAHC010032302024



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

Case No. : CRP(IO)/65/2024

ARCHDIOCESE OF GUWAHATI
A RELIGIOUS SOCIETY, HAVING ITS OFFICE AT BISHOPS HOUSE, AMBARI,
GUWAHATI 781001, KAMRUP M ASSAM, REPRESENTED BY MR. FIROSE
BASUMATARY, A MEMBER OF THE SOCIETY, AGE 45 YEARS
VERSUS

M/S M R CONSTRUCTION AND ANR
A PROPRIETORIAL FIRM REPRESENTED BY JAKIR HUSSAIN, S/O RAFIK
ALI, HAVING ITS OFFICE AT KAMALPUR, PO AND PS KAMALPUR, DIST
KAMRUP ASSAM 781380

2:JAKIR HUSSAIN
S/O RAFIK ALI
RESIDENT OF VILLAGE KAMALPUR
PO AND PS KAMALPUR
DIST KAMRUP ASSAM 78138

Advocate for the Petitioner : MR. A C SARMA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

21.02.2024

Heard Mr. A. C. Sarma, learned senior counsel for the petitioner, assisted by Mr. G. Bharadwaj, Advocate.

This is an application under Article 227 of the Constitution of India challenging the order dated 08.12.2023 passed by the learned Civil Judge (Senior Division), Kamrup in

Money Suit No. 06/2022.

The petitioner is the plaintiff before the trial court and the case was proceeding ex parte against the defendants. The petitioner filed evidence on affidavit.

On 11.09.2023 the petitioner filed an application praying for permission to submit a certificate under Section 65-B of the Indian Evidence Act with regard to the Document No. 2 which is a computer generated document. But the trial court did not allow the said application because the counsel representing the petitioner could not properly explained the fact before the court below.

This court is of the opinion that only on that ground the trial court should not have been dismissed the application filed by the petitioner. The trial court should have exercise judicial mind while entertaining the application. I find that the trial court failed to exercise judicial mind while passing the impugned order. Therefore, the impugned order dated 08.12.2023 passed by the learned Civil Judge (Senior Division), Kamrup in Money Suit No. 06/2022 is bad in law and stands set aside. The petitioner shall be allowed to submit the Certificate aforesaid before the trial court and thereafter, the trial court shall proceed to dispose of the matter in accordance with law.

The civil revision stands disposed of.

JUDGE

Comparing Assistant