

GAHC010054232024



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

**Case No. : CRP(IO)/105/2024**

RITU RAM TERANG AND 2 ORS.

S/O- LATE KHAGEN MIKIR, REVENUE OF VILL.- BORSAJAI, NARBAM, P.O.  
AND P.S. BASISTHA, GUWAHATI, DIST. KAMRUP(M), ASSAM, PIN- 781029.

2: BITU TERANG

S/O- LATE KHAGEN TERANG  
REVENUE OF VILL.- BORSAJAI  
NARBAM  
P.O. AND P.S. BASISTHA  
GUWAHATI  
DIST. KAMRUP(M)  
ASSAM  
PIN- 781029.

3: JITU TERANG

S/O- LATE KHAGEN TERANG  
REVENUE OF VILL.- BORSAJAI  
NARBAM  
P.O. AND P.S. BASISTHA  
GUWAHATI  
DIST. KAMRUP(M)  
ASSAM  
PIN- 781029

VERSUS

KUSHARAM RONGPI AND 2 ORS.

S/O- LATE BENU RONGPI, R/O- LALMATI BORSAJAI, P.O. AND P.S.  
BASISTHA, GUWAHATI, DIST. KAMRUP(M), ASSAM, PIN- 785622.

2: ABHIJIT RONGPI

S/O- LATE BENU RONGPI  
R/O- LALMATI BORSAJAI  
P.O. AND P.S. BASISTHA

GUWAHATI  
DIST. KAMRUP(M)  
ASSAM  
PIN- 785622.

3:RAJIV RONGPI  
S/O- LATE BENU RONGPI  
R/O- LALMATI BORSAJAI  
P.O. AND P.S. BASISTHA  
GUWAHATI  
DIST. KAMRUP(M)  
ASSAM  
PIN- 785622

**Advocate for the Petitioner** : L K BORAH

**Advocate for the Respondent** : MR. T GOGOI (r-1,2,3)

**BEFORE  
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**05.04.2024**

This is an application under Article 227 of the Constitution challenging the order dated 12.09.2023 passed in Title Suit No.318/2023 whereby the Court of the learned Civil Judge (Senior Division) No.3 Kamrup(M) at Guwahati had rejected the application of the defendants to accept the written statement on the ground that the said written statement was not filed within the period of 90 days in terms with Order VIII Rule 1.

2. Upon the filing of the instant petition, this Court issued notice on 18.03.2024, making it returnable today. This Court further directed the petitioners to take steps by way of *Dasti* mode upon the respondents and file an affidavit of service on or before today. This Court has also taken note of the

affidavit of service filed on 02.04.2024 by the petitioners wherein it has been duly stated that service was duly effected upon the plaintiffs/respondents herein as could be seen from a perusal of paragraph 3 of the said affidavit of service. Taking into account that service is duly complete, this Court takes up the instant proceedings for disposal at this stage.

3. I have heard Mr. LK Bora, the learned counsel appearing on behalf of the petitioners and Mr. T.R Gogoi, appears on behalf of all the respondents.

4. This Court has perused the impugned order. The law so laid down and the reasons so assigned do not seem to be in error. However, it is relevant to take note of that there was no fault on the part of the defendants who are the petitioners herein for which the written statement could not be filed as it would be apparent from a perusal of the materials on record that the counsel who was duly appointed by the defendants/petitioners did not file the written statement as he was under treatment. The medical documents have also been enclosed to the instant petition, which also shows that the counsel for the defendants/petitioners was undergoing serious treatment.

5. Taking into account the above, it is the opinion of this Court that as the fault was not there on the part of the petitioners/defendants in the suit and it was on account of the ill health of their counsel, one further opportunity can be given to the petitioners/defendants in the interest of justice.

6 Mr. LK Bora, the learned counsel appearing on behalf of the petitioners

submits that the written statement is ready and can be filed on such date as may be fixed by this Court. Accordingly, this Court permits the defendants/petitioners herein to submit their written statement in Title Suit No.318/2023 on the next date.

7. This Court fixes the next date of the suit on 22.04.2024. On which date, the defendants/petitioners herein shall file their written statement without fail. Thereupon, the learned Trial Court shall proceed with the adjudication of the suit in accordance with law.

8. A certified copy of the instant order be placed before the learned Trial Court on the next date fixed i.e. 22.04.2024.

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

**JUDGE**

**Comparing Assistant**