

GAHC010081692024



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

Case No. : CRP(IO)/133/2024

LIFE INSURANCE CORPORATION OF INDIA
REPRESENTED BY THE EXECUTIVE DIRECTOR (P) LIFE INSURANCE
CORPORATION OF INDIA, MUMBAI-400021.

VERSUS

NIRANJAN DEY
S/O- KALIPAD DEY, R/O- DEMOW CHARIALI, P.O. DEMOW, MORAN, DIST.
SIVASAGAR, ASSAM

For the Petitioner(s) : Mr. S. Dutta, Sr. Advocate
: Mr. S. Dutta, Advocate

For the Respondent(s) : None appears.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 24.04.2024

1. This is an application under Article 227 of the Constitution challenging the order dated 21.08.2023 passed in Title Suit No.97/2015 whereby the application filed under Section 151 of the Code of Civil Procedure, 1908 being Petition

No.1095/920 was rejected by the learned Trial Court assigning the reason that the cross-examination of the plaintiff had already been over and the plaintiff did not mention as to what documents it wanted to adduce and the relevance thereof.

2. This Court having taken note of the said order dated 21.08.2023 as well as also the application filed under Section 151 of the Code is of the opinion that this is not a fit case for exercising jurisdiction under Article 227 of the Constitution. Accordingly, this Court dismisses the instant application.

3. Be that as it may, this Court observes that the dismissal of the instant application shall not preclude the petitioner who is the plaintiff in the suit to file an appropriate application before the learned Trial Court giving further details as regards the said documents and its relevance. The learned Trial Court would be at liberty to take into consideration the said application within the contours of the law laid down by the Supreme Court in the case of ***Salem Advocate Bar Association Vs. Union of India*** reported in (2005) 6 SCC 344 and more particularly paragraph No.13.

4. It is however made clear that the leave so granted herein shall not apply if the suit has already disposed of.

JUDGE

Comparing Assistant