

GAHC010083202023



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

Case No. : CRP(IO)/110/2023

GYAN DAS AND 2 ORS
S/O LT. DIMBESWAR DAS R/O KAMARCHUBURI P.O. AND P.S TEZPUR
MOUZA BHAIRABPAD, DIST. SONITPUR ASSAM

2: PRABIN DAS
S/O LT. DIMBESWAR DAS R/O KAMARCHUBURI P.O. AND P.S TEZPUR
MOUZA BHAIRABPAD
DIST. SONITPUR ASSAM

3: BULU BORA DAS
W/O GYAN DAS R/O KAMARCHUBURI P.O. AND P.S TEZPUR MOUZA
BHAIRABPAD
DIST. SONITPUR ASSA

VERSUS

TARUN SUT AND 7 ORS.
S/O LT. POWAL SUT, R/O VIL. AND P.O. PITHAKHOWA MOUZA BIHAGURI
DIST. SONITPUR ASSAM

2: ARUN SUT
S/O LT. POWAL SUT
R/O VIL. AND P.O. PITHAKHOWA MOUZA BIHAGURI DIST. SONITPUR
ASSAM

3: ARUP SUT
S/O LT. POWAL SUT
R/O VIL. AND P.O. PITHAKHOWA MOUZA BIHAGURI DIST. SONITPUR
ASSAM

4: ATUL SUT
S/O LT. POWAL SUT
R/O VIL. AND P.O. PITHAKHOWA MOUZA BIHAGURI DIST. SONITPUR
ASSAM

5:SARAT SUT
S/O LT. KHARGESWAR SUT R/O VIL. AND P.O. PITHAKHOWA MOUZA
BIHAGURI DIST. SONITPUR ASSAM

6:PADMAKANTA SUT
S/O LT. KHARGESWAR SUT R/O VIL. AND P.O. PITHAKHOWA MOUZA
BIHAGURI DIST. SONITPUR ASSAM

7:CHANDRA KANTA SUT
S/O LT. KHARGESWAR SUT R/O VIL. AND P.O. PITHAKHOWA MOUZA
BIHAGURI DIST. SONITPUR ASSAM

8:BHABEN SUT
S/O LT. RAVI SUT R/O VIL. AND P.O. PITHAKHOWA MOUZA BIHAGURI
DIST. SONITPUR ASSA

For the Petitioner(s) : Mr. P. Sundi, Advocate

For the Respondent(s) : Mr. S.K. Singh, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 01.05.2024

1. Mr. P. Sundi, the learned counsel appearing on behalf of the Petitioners submitted that taking into account that the plaintiff is the dominus litus and there is always a right available to the legal representatives of Smti. Khiroda @ Khilei Nath to approach the Court, the filing of the application under Order I Rule 10 was misconceived by the Defendants. He therefore submits that the Petitioners herein who were the Defendants would not like to press the instant application.

2. Taking into account the above, the instant petition stands closed on withdrawal.

3. Interim order passed on 26.04.2023 whereby the further proceedings of Title Suit No.68/2013 pending in the Court of the learned Munsiff No.1, Sonitpur at Tezpur was stayed is hereby vacated and as the parties are duly represented before this Court, they are directed to appear before the learned Trial Court on 01.06.2024 for further proceedings of the suit in accordance with law.

JUDGE

Comparing Assistant