

GAHC010086722024



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

Case No. : CRP(IO)/144/2024

SARU BORAH
W/O- LATE BISHESWAR BORAH,
VILLAGE AND P.O- RANGPURIA, DIST- LAKHIMPUR, NORTH LAKHIMPUR,
PIN-787032, ASSAM

VERSUS

THE UNITED BANK OF INDIA AND 6 ORS
(PRESENTLY PUNJAB NATIONAL BANK),
KOLKATA ZONAL OFFICE AT 11, HEMANTA BASU SARANI, KOLKATA-01

2:THE ASSISTANT GENERAL MANAGER (RECOVERY)
UNITED BANK OF INDIA

(PRESENTLY PUNJAB NATIONAL BANK)

KOLKATA ZONAL OFFICE AT 11
HEMANTA BASU SARANI
KOLKATA-01

3:THE CHIEF REGIONAL MANAGER
UNITED BANK OF INDIA

(PRESENTLY PUNJAB NATIONAL BANK)

DIBRUGARH REGIONAL OFFICE

R.K BORDOLOI PATH
DIBRUGARH
PIN -786001

4:THRE REGIONAL MANAGER
UNITED BANK OF INDIA

(PRESENTLY PUNJAB NATIONAL BANK)

DIBRUGARH REGIONAL OFFICE

R.K BORDOLOI PATH
DIBRUGARH
PIN -786001

5:THE BRANCH MANAGER
UNITED BANK OF INDIA

(PRESENTLY PUNJAB NATIONAL BANK)

HATILUNG BRANCH
NORTH LAKHIMPUR
LAKHIMPUR
PIN-787031
ASSAM

6:TILESWAR DAIMARI
THE BRANCH MANAGER

UNITED BANK OF INDIA

(PRESENTLY PUNJAB NATIONAL BANK)

HATILUNG BRANCH
NORTH LAKHIMPUR
LAKHIMPUR
PIN-787031
ASSAM

7:M/S P.B TRADERS
PROPRIETOR
PROINAB BIKASH BORAH

R/O- VILLAGE RONGPURIA

P.O- RONGPURIA

P.S- NORTH LAKHIMPUR
DIST- LAKHIMPUR
ASSA

Advocate for the Petitioner : MR. A DHAR

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

10.05.2024

Heard Mr. A Dhar, learned counsel for the petitioner.

This is an application filed under Article 227 of the Constitution of India challenging the order dated 11.03.2024 passed by the learned Civil Judge (Senior Division), Lakhimpur, North Lakhimpur in Title Suit No. 29/2016.

The petitioner is the plaintiff before the trial court. The examination of the witnesses of the plaintiff side is already complete. At the time of examination of the witnesses of the defendants' side, a new Advocate Commissioner was appointed since the earlier Advocate Commissioner was absent.

Thereafter, the defendants filed Petition No. 493/2024 praying for examination of the official witnesses after completion of cross-examination of the other non-official witnesses of the defendants' side. The said petition was allowed by the trial court.

I have considered the submission made by the learned counsel for the petitioner.

On a plain reading of the impugned order dated 11.03.2024, I find that the Petition No. 493/2024 was allowed without hearing both sides, which act is not allowed in a court of law. Therefore, the order dated 11.03.2024 passed by the learned Civil Judge (Senior Division), Lakhimpur, North Lakhimpur in Title Suit No. 29/2016 is set aside.

The trial court is directed to pass a fresh order on the Petition No. 493/2024 after giving an opportunity of being heard to the plaintiff. Further, the plaintiff is at liberty to file objection, if any.

With the above, the present civil revision petition is disposed of.

JUDGE

Comparing Assistant