

GAHC010090102023



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

Case No. : CRP(IO)/123/2023

HARI SANKAR MUKHERJEE
S/OLATE JIBAN KANAI MUKHERJEE, R/O HOUSE NO. 9, 2ND FLOOR,
DINESH OJHA PATH, KAMAKHYA NAGAR, P.O. AND P.S.-BHANGAGARH,
GUWAHATI-781005, DIST-KAMRUP (M), ASSAM. PERMANENT ADDRESS -
WARD NO. 9, DHUBRI TOWN, P.O. AND P.S.-DHUBRI, DIST-DHUBRI,
ASSAM, PIN-783301

VERSUS

SANJEEB MUKHERJEE AND ANR
S/O LATE SWARAJ MUKHERJEE, R/O VILL-BORGHOLA PART-I, P.O.-
SRIJANGRAM, P.S.-ABHAYAPURI, DIST-BONGAIGAON, ASSAM, PIN-783384

2:SAMIT MUKHERJEE
S/O LATE SWARAJ MUKHERJEE
R/O VILL-BORGHOLA PART-I
P.O.-SRIJANGRAM
P.S.-ABHAYAPURI
DIST-BONGAIGAON
ASSAM
PIN-78338

Advocate for the Petitioner : MR. A PAUL

Advocate for the Respondent : MR. S D ROY (R-1,2)

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

01.03.2024

Heard Mr. A Paul, learned counsel for the petitioner as well as Mr. S D Roy, learned counsel for the respondents.

This is an application filed under Article 227 of the Constitution of India challenging the order dated 03.04.2023 passed by the learned Civil Judge, Bongaigaon in M.S. No. 11/2022.

Two brothers filed two NI Act cases against the present petitioner. Both the brothers also jointly filed a civil suit against the petitioner for recovery of money. Now, the petitioner filed a petition under Section 10 of the CPC before the learned Civil Judge, praying for stay of the proceeding of the money suit. But, the court below rejected the prayer.

I have considered the submission made by the learned counsel for both the sides.

It is well settled that a criminal proceeding as well as a civil proceeding may simultaneously proceed against the same person.

I am of the considered opinion that the learned Civil Judge has done no wrong in passing the impugned order. I find that the present revision petition is devoid of merit and stands dismissed accordingly.

JUDGE

Comparing Assistant