

GAHC010090512024



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

Case No. : CRP(IO)/146/2024

SANJOY PAUL
S/O SANKAR PAUL
MINATI JEWELERS, N N DUTTA ROAD, PO AND PS SILCHAR DIST
CACHAR, ASSAM 788001

VERSUS

AMULYA DEBNATH
S/O LATE JAGAT CHANDRA DEBNATH
RESIDENT OF UDAYAN COMPLEX, LANE NO. 4, HOUSE NO. 15
PANCHAYAT ROAD, DAS COLONY, PO AND PS SILCHAR, DIST CACHAR,
ASSAM 788005

Advocate for the Petitioner : MR V K BAROOAH

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

10.05.2024

Heard Mr. K K Dey, learned counsel for the petitioner.

This is an application filed under Article 227 of the Constitution of India challenging the orders dated 05.02.2024 and 19.03.2024 passed by the learned Civil

Judge (Junior Division) No. 5, Cachar, Silchar in Title Suit No. 72/2019.

The petitioner is the defendant before the trial court. At the time of cross-examination of the witnesses of the plaintiff side, the defendant could not be present in the court. Therefore, cross-examination of the witnesses of the plaintiff side was closed and the case was posted for evidence of DWs.

After hearing the learned counsel for the petitioner, this court is of the opinion that the present petitioner/defendant should be given an opportunity to cross-examine the witnesses of the plaintiff side. Therefore, the impugned orders dated 05.02.2024 and 19.03.2024 passed by the learned Civil Judge (Junior Division) No. 5, Cachar, Silchar in Title Suit No. 72/2019 are set aside.

The trial court is directed to provide one opportunity to the present petitioner/defendant before the trial court for cross-examination of the plaintiff side.

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

JUDGE

Comparing Assistant