

GAHC010092292024



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

Case No. : CRP(IO)/155/2024

BIJOY KR. TALUKDAR
S/O- LATE BASANTA KUMAR TALUKDAR ,
R/O- SOUTH SARANIA, BYE LANE NO-1, NEAR KASTURBA GANDHI
ASHRAM, HOUSE NO- 07, P.O- ULUBARI, GUWAHATI-07, DIST- KAMRUP
(M)

VERSUS

SMTI NIVA TALUKDAR AND ORS
W/O- SADANANDA TALUKDAR, R/O- KHANAPARA, FARM GATE,
ARYABHATTA PATH, P.O- KHANAPARA, GHY-22, DIST- KAMRUP (M)

2:ON THE DEATH OF BIBHA RANI TALUKDAR (HER LEGAL HEIRS)-
HIMANSHU PATOWARY (HUSBAND)
S/O- NOT KNOWN

R/O- SOUTH SARANIA
BYE LANE NO-1
NEAR KASTURBA GANDHI ASHRAM
HOUSE NO- 07
RCC BUILDING (GROUND FLOOR)
P.O- ULUBARI
GUWAHATI-07
DIST- KAMRUP (M)

3:HIRAMONI TALUKDAR
D/O- LATE BASANTA KR TALUKDAR

R/O- SOUTH SARANIA
BYE LANE NO-1
NEAR KASTURBA GANDHI ASHRAM
HOUSE NO- 07

RCC BUILDING (GROUND FLOOR)
P.O- ULUBARI
GUWAHATI-07
DIST- KAMRUP (M)

4:KASHYAP MEDHI (SUMAN)
S/O- LATE KANIKA MEDHI (MOTHER) AND ARUN MEDHI (FATHER)

VILLAGE- HALOGAON

P.O- BAMUNDI

P.S- SUALKUCHI

DIST- KAMRUP (R)

5:ARATI THAKURIA
W/O- GOPAL THAKURIA

R/O- SIX MILE JAYANAGAR

P.O- KHANAPARA

P.S- DISPUR
GHY-2

For the Petitioner(s) : Mr. H. K. Sharma, Advocate

For the Respondent(s) : None appears.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 15.05.2024

This is an application filed under Article 227 of the Constitution challenging the order dated 07.02.2024 passed by the learned Civil Judge (Junior Division) No.1, Kamrup (M) at Guwahati in Misc. (J) Case No.179/2020 arising out of Title Suit No.23/2019.

2. Mr. H. K. Sharma, the learned counsel appearing on behalf of the Petitioner

submits that taking into account the incorporation of the relief of declaration of right, title and interest over the suit property may result in changing the pecuniary jurisdiction of the Court inasmuch as Title Suit No.23/2019 is presently pending before the Court of the Munsiff No.1, Kamrup (M) at Guwahati whose pecuniary jurisdiction is only up to Rs.5,00,000/-, he would not like to press the instant petition. He however submits that the withdrawal of the instant petition should not preclude the Petitioner to file a separate suit, if otherwise permissible under law.

3. Taking into account the above, this Court therefore closes the instant petition on withdrawal.

4. It is made clear that the withdrawal of the instant petition or for that matter the order dated 07.02.2024 passed in Misc. (J) Case No.179/2020 in Title Suit No.23/2019 shall not preclude the Petitioner to file a separate suit, if otherwise permissible under law.

JUDGE

Comparing Assistant