

GAHC010116262024



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

Case No. : CRP(IO)/190/2024

ARCHDIOCESE OF GUWAHATI
HAVING ITS OFFICE AT BISHOPS HOUSE, AMBARI, GUWAHATI 781001,
KAMRUP M ASSAM, REPRESENTED BY MR. FIROSE BASUMATARY, A
MEMBER OF THE SOCIETY AGED 45 YEARS

VERSUS

M/S M R CONSTRUCTION AND ANR
A PROPRIETOR FIRM REPRESENTED BY JAKIR HUSSAIN, SON OF RAFIK
ALI, HAVING ITS OFFICE AT KAMALPUR, PO AND PS KAMALPUR, DIST
KAMRUP ASSAM 781380

2:JAKIR HUSSAIN
SON OF RAFIK ALI

RESIDENT OF KAMALPUR
PO AND PS KAMALPUR
DIST KAMRUP ASSAM 78138

Advocate for the Petitioner : MR. A C SARMA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA
ORDER

12.06.2024

Heard Mr. A C Sarma, learned senior counsel for the petitioner, assisted by Mr. G Bharadwaj, Advocate.

This is an application filed under Article 227 of the Constitution of India challenging the order dated 14.05.2024 passed by the learned Civil Judge (Senior Division), Kamrup, Amingaon in Money Suit No. 06/2022.

The petitioner filed the suit before the trial court for recovery of money from the defendants. Notice was served upon the defendants but they did not contest the suit. Therefore, the suit was proceeded ex-parte against the defendants.

Thereafter, the petitioner filed an application under Order 16 Rule 6 of the CPC before the trial court whereby the petitioner requested the court to issue summon to the Branch Manager of the bank asking him to produce the statement of the Savings Accounts No. 0473053000000933. The petitioner intended to prove certain facts with the evidence of the said Branch Manager.

The trial court refused the prayer of the petitioner on the ground that the case had already reached the stage of argument and the petition was filed at belated stage.

I have considered the submission made by the learned counsel for the petitioner. I find that refusal of the trial court is without any legal basis. Therefore, the impugned order dated 14.05.2024 whereby the trial court refused to issue summon to the Branch Manager of the Bank is set aside.

The trial court is directed to issue summon to the Branch Manager, as desired by the petitioner/plaintiff. Thereafter, the trial court shall dispose of the case in accordance with law.

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

JUDGE

Comparing Assistant