

GAHC010118672024



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

Case No. : CRP(IO)/235/2024

PRITHWI RAJ NARZARY
S/O- LATE UMA CHARAN NARZARY, R/O- VILL.- HATIMATAH,
KOKRAJHAR TOWN, WARD NO. 8, P.O., P.S. AND DIST. KOKRAJHAR,
B.T.A.D., ASSAM

VERSUS

BIPUL KUMAR BORO @ BRAHMA AND 4 ORS
S/O- LATE SUSHIL KUMAR BRAHMA, R/O- VILL.- HATIMATAH,
KOKRAJHAR TOWN, WARD NO. 8, P.O., P.S. AND DIST. KOKRAJHAR,
B.T.A.D., ASSAM

2:STATE OF ASSAM
REPRESENTED BY THE DISTRICT COLLECTOR
KOKRAJHAR
P.O.
P.S. AND DIST. KOKRAJHAR
B.T.A.D.
ASSAM

3:BODOLAND TERRITORIAL COUNCIL (BTC)
KOKRAJHAR
REPRESENTED BY THE PRINCIPAL SECRETARY
P.O.
P.S. AND DIST. KOKRAJHAR
B.T.A.D.
ASSAM

4:SETTEMENT OFFICER
DHUBRI AND KOKRAJHAR AT DHUBRI
P.O.
P.S. AND DIST. KOKRAJHAR

B.T.A.D.
ASSAM

5:ASSISTANT SETTLEMENT OFFICER
KOKRAJHAR REVENUE CIRCLE
KOKRAJHAR
P.O.
P.S. AND DIST. KOKRAJHAR
B.T.A.D.
ASSA

Advocate for the Petitioner : MR. A IKBAL

Advocate for the Respondent :

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

19.07.2024

Heard the learned counsel Mr. A. Ikbal appearing for the petitioner.

- 2.** This is an application under Article 227 of the Constitution of India read with Section 151 of the Code of Civil Procedure challenging the order dated 03.06.2024 passed by the learned Civil Judge (Jr. Div.), Kokrajhar in T.S. No.50/2021 (New), 11/2017(Old).
- 3.** The present petitioner filed the T.S. No.50/2021 (New), 11/2017(Old) against 5 defendants seeking a decree for declaration of right, title and interest as well as for possession in respect of a particular plot of land.
- 4.** In the meantime, the defendants also filed another suit being T.S. No.05/2018 in the court of the learned Civil Judge (Sr. Div.), Kokrajhar seeking a decree for declaration of their right, title and interest over the same plot of land.
- 5.** Therefore, the present petitioner filed an application before the learned Civil Judge (Jr. Div.), Kokrajhar praying for amalgamation of both suits in the same court.

6. The learned Civil Judge (Jr. Div.), Kokrajhar held that the T.S. No.05/2018 was of a larger value and filed before the court of learned Civil Judge (Sr. Div.), Kokrajhar. Therefore, this court has no right to pass an order for amalgamation of cases.

7. I have considered the submissions of Mr. Ikbal.

8. The present petitioner is directed to file an appropriate application before the learned District Judge, Kokrajhar praying for listing both the cases in a single court and the learned District Judge shall consider his prayer in accordance with the procedure as laid down by law.

With the aforesaid direction, the revision petition is disposed of accordingly.

JUDGE

Comparing Assistant