

GAHC010121812024



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

Case No. : CRP(IO)/207/2024

ABDUL KADER PARAMANIK
S/O- LATE ISMAIL PARAMANIK, R/O- VILL.- NICHUKA, MOUZA- D.C.
BOUSHI, DIST. BARPETA, ASSAM

VERSUS

ON THE DEATH OF ABDUL RASHID AKAND, HIS LEGAL HEIRS JAHILA
KHATUN AND 9 ORS
W/O- LATE ABDUL RASHID AKAND, R/O- VILL.- KHAIRABARI, MOUZA-
GOBARDHANA, DIST. BARPETA, ASSAM

2:MALIKA KHATUN
D/O- LATE ABDUL RASHID AKAND
R/O- VILL.- KHAIRABARI
MOUZA- GOBARDHANA
DIST. BARPETA
ASSAM

3:JALIUDDIN AKAND
S/O- LATE ABDUL RASHID AKAND
R/O- VILL.- KHAIRABARI
MOUZA- GOBARDHANA
DIST. BARPETA
ASSAM

4:JAHURUDDIN AKAND
S/O- LATE ABDUL RASHID AKAND
R/O- VILL.- KHAIRABARI
MOUZA- GOBARDHANA
DIST. BARPETA
ASSAM

5:BULBUL AKAND (MINOR)

S/O- LATE ABDUL RASHID AKAND
R/O- VILL.- KHAIRABARI
MOUZA- GOBARDHANA
DIST. BARPETA
ASSAM

6:RAHUL AKAND (MINOR)

S/O- LATE ABDUL RASHID AKAND
R/O- VILL.- KHAIRABARI
MOUZA- GOBARDHANA
DIST. BARPETA
ASSAM

7:ABDUL SAMAD AKAND

S/O- LATE ABDUL KARIM AKAND
R/O- VILL.- KHAIRABARI
MOUZA- GOBARDHANA
DIST. BARPETA
ASSAM

8:AZAD ALI AKAND

S/O- LATE ABDUL KARIM AKAND
R/O- VILL.- KHAIRABARI
MOUZA- GOBARDHANA
DIST. BARPETA
ASSAM

9:NOWSHAD ALI AKAND

S/O- LATE ABDUL KARIM AKAND
R/O- VILL.- KHAIRABARI
MOUZA- GOBARDHANA
DIST. BARPETA
ASSAM

10:PANCHAB ALI AKAND

S/O- LATE ABDUL KARIM AKAND
R/O- VILL.- KHAIRABARI
MOUZA- GOBARDHANA
DIST. BARPETA
ASSA

Advocate for the Petitioner : MR. R BARUAH, MR. A IKBAL,MS. J SARMA,MS S SIDDIQUA

Advocate for the Respondent : MR M AHMED, A. K. KANU,MR. A HUSSAIN

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

20.08.2024

Heard Mr. A. Ikbal, learned counsel for the petitioner. Also heard Mr. M. Ahmed, learned counsel appearing for all the respondents.

2. Service accordingly stands completed in view of the learned counsel appearing for all the respondents.

3. By the instant application under Article 227 of the Constitution of India, the petitioner has challenged the Order dated 09.05.2024 whereby the petitioner who is the defendant in the suit i.e. Title Suit No. 88/2011 pending before the Court of Civil Judge(I Division) No. 1, Barpeta had been precluded from filing the defendant witnesses.

4. Pertinent that this Court by Order dated 26.06.2024 directed the petitioner to submit his evidence on affidavit on 10.07.2024 before the Trial Court and was further pleased to observe that the acceptance of such evidence would be subject to such order that may be passed by this Court.

5. Today, when the matter is called for hearing, it is submitted at the bar that the defendants have filed their evidence on 10.07.2024 in terms of this Court's Order dated 26.06.2024 before the Trial Court.

6. Considering that the defendants have filed their evidence as directed by this Court, and since there is no objection from the other side to the same, this Court is of the considered view that the Civil Revision Petition can be disposed of with a direction to the Trial Court to proceed thereafter in accordance with law.

7. Resultantly, the interim stay of further proceedings granted by this Court by earlier Order dated 26.06.2024 stands vacated.
8. Needless to clarify that the Trial Court on the next date fixed shall give the plaintiff the opportunity to cross examine the defendant witnesses in accordance with law.
9. Considering that the Suit is pertaining to the year 2011, it would be desirable that the Trial Court concludes the trial at the earliest.
10. Accordingly, the Civil Revision Petition stands disposed of.
11. In view of the above, the next date for hearing for the suit is fixed on **03.09.2024** before the Trial Court for appearance of the parties.
12. Registry to intimate the order of this Court to the Registry of the Trial Court.

JUDGE

Comparing Assistant