

GAHC010127482024



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

Case No. : CRP(IO)/216/2024

UTTAM KR. DAS

S/O- LATE PARITOSH CHANDRA DAS, LAXMICCHARAN ROAD, WARD NO. 1,
P.O., P.S. AND DIST. KARIMGANJ, ASSAM, PIN- 788710.

VERSUS

SUSHANTA DAS

S/O- LATE REBATI MOHAN DAS, R/O- FOREST OFFICE ROAD, WARD NO. 20,
KARIMGANJ TOWN, P.O., P.S. AND DIST. KARIMGANJ, ASSAM, PIN- 788710.

Advocate for the Petitioner : MR. P K ROYCHOUDHURY

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 17.07.2024

Heard Mr. P.K. Roy Choudhury, the learned counsel appearing for the petitioner.

The petitioner has filed the necessary affidavit in respect of dasti service of notice. It appears that the respondent has refused to accept the notice.

This is an application under Article 227 of the Constitution of India challenging the order dated 16.05.2024 passed by the learned Civil Judge, (Junior Division) No. 2, Karimganj in Money Suit No. 03/2021.

In the said suit before the Trial Court, the petitioner is the defendant. After closure of hearing on evidence of the plaintiff's side, the present petitioner had taken some adjournments for production of witnesses. On 16.05.2024, the court allowed the prayer of the petitioner on payment of a cost of Rs. 2,000/- and also directed that no further chance shall be given to the petitioner to produce the witnesses and listed the case on 07.06.2024 for hearing argument.

After hearing Mr. Choudhury, I find that under the given circumstances of the case, the petitioner should be given an opportunity to produce his witnesses.

Therefore, the impugned order dated 16.05.2024 passed by the learned Civil Judge, (Junior Division) No. 2, Karimganj in Money Suit No. 03/2021 is set aside.

The petitioner shall deposit the cost of Rs. 2,000/- and thereafter, the trial court shall provide one opportunity to the petitioner/defendant to produce his witnesses.

The revision petition stands disposed of accordingly.

JUDGE

Comparing Assistant