

GAHC010134952024



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

Case No. : CRP(IO)/237/2024

MD. ASHIFUDDIN AHMED
S/O- LATE ALI SAHID, R/O- GRAHAM BAZAR, MASJID ROAD, P.O., P.S. AND
DIST. DIBRUGARH, ASSAM, PIN- 786001.

VERSUS

RAHMAT ANSARI
S/O- SARFUDDIN ANSARI, R/O- OUPHULLA ALI KINAR, P.O. DIKSOM
OUPHILIA, P.S. TINGKHONG, DIST. DIBRUGARH, ASSAM, PIN- 785675.

Advocate for the Petitioner : MR R SENSUA

Advocate for the Respondent :

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

19.07.2024

Heard the learned counsel Mr. R. Sensua appearing for the petitioner.

2. This is an application under Article 227 of the Constitution of India and Section 115

read with Section 151 of the Civil Procedure Code challenging the order dated 01.06.2024 passed by the learned Civil Judge (Senior Division), Dibrugarh in Misc.(J) Case No.146/2024 arising out of Title Suit No.41/2020.

3. The respondent filed one single application under Order I Rule 10(2) read with Order VI Rule 17 and 151 of the Code of Civil Procedure and the learned trial court allowed the said application after hearing both sides.

4. Mr. Sensua has pointed out that Rule 20(2) of the Gauhati High Court Civil Rules and Orders has mandated that applications in regard to distinct subject-matter shall be made in separate petitions.

5. Therefore, the impugned order is set aside.

6. The plaintiff may be advised to file separate applications for both the provisions and after that, the learned trial court shall hear both sides by giving opportunity to the present petitioner to file an objection. After that, both the applications shall be decided by the learned trial court.

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

JUDGE

Comparing Assistant