

GAHC010136262024



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

Case No. : MC/58/2024

MANOWAR HUSSAIN SAIKIA
S/O- LATE MUSLIM UDDIN OF VILL- DAKHIN KALADUBA, P.S. JURIA,
DIST.- NAGAON, ASSAM. PIN- 782124.

VERSUS

MD. NABI HUSSAIN AND 3 ORS
S/O- LATE SAMSUDDIN, R/O- UTTAR KALADUBA, P.S. JURIA, DISTRICT-
NAGAON, ASSAM, PIN- 782124.

2:DEPUTY COMMISSIONER-CUM-RETURNING OFFICER
NAGAON
DISTRICT- NAGAON
ASSAM.

3:DULAL DEBNATH
ADDITIONAL DEPUTY COMMISSIONER
NAGAON
CUM- IN- CHARGE
PANCHAYAT ELECTION
OF 55 NO. JENGONI
KALADUBA GAON PANCHAYAT
DISTRICT- NAGAON
ASSAM.

4:TAHARUN NESSA
W/O- IKRAMUL HUSSAIN
VILL. JENGONI
MOUZA- ALITANGONI
P/S- DHING
DIST.- NAGAON
ASSAM.

5:MUSTAKIM ALOM
S/O- ABDUL MUNNAF
R/O- DAKHIN KALADUBA
MOUZA- ALITANGONI
P/S- JURIA
DIST.- NAGAON
ASSAM

Advocate for the Petitioner : MR. M H SAIKIA, MR. M H SAIKIA

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 17.09.2024

Heard Mr. M.H. Saikia learned counsel for the petitioner.

The present application is filed for restoration of WP(C) No.4102/2022 which was dismissed for non-prosecution by an order of this court dated 03.06.2024.

It is explained at paragraph Nos.2 & 3 that due to unprecedented heavy rain on 03.06.2024 resulting in heavy traffic jam and water logging, the learned counsel for the petitioner could not remain present when the matter was called inasmuch as, he somehow reached the court at 12.30 noon, however, in the meantime the matter was dismissed for non-prosecution.

Considering the explanation given and also considering the settled proposition that for the unintentional fault of the counsel for the petitioner the litigant should not be allowed to suffer, the present application stands allowed.

Registry to restore the writ petition being WP(C) No.4102/2022 to its original file and list the matter as per roaster after the ensuing puja vacation.

JUDGE

Comparing Assistant