

GAHC010139632024



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

Case No. : CRP(IO)/236/2024

MD. JOYNAL ABEDIN
S/O- MD. HAIDAR ALI, R/O- CHATIBARGAON, P.S. DHALIGAON, DIST.
CHIRANG, BTAD, ASSAM

VERSUS

TARULATA BARMAN AND 5 ORS.
W/O- LATE BRAJENDRA NATH BARMAN, R/O- VILL.- CHATIBARGAON, P.S.
DHALIGAON, DIST. CHIRANG, BTAD, ASSAM, PIN- 783385.

2:CHAMPA BARMAN
W/O- SRI NARAYAN BARMAN
D/O- LATE BRAJENDRA NATH BARMAN
R/O- ALIPURDUAR
P.O. AND P.S. ALIPURDUAR
DIST. ALIPURDUAR
WEST BENGAL
PIN- 736121.

3:SAMPA BARMAN
W/O- LATE CHANDAN RAY
D/O- LATE BRAJENDRA NATH BARMAN
R/O- VILL.- CHURAKUTIGAON
P.O. AND P.S. KOKRAJHAR
DIST. KOKRAJHAR
BTAD
ASSAM
PIN- 783370.

4:KABITA BARMAN
D/O- LATE BRAJENDRA NATH BARMAN
R/O- VILL.- CHATIBARGAON

P.O. AND P.S. DHALIGAON
DIST. CHIRANG
BTAD
ASSAM
PIN- 783385.

5:DIPTI BARMAN
W/O- SRI DINESH BARMAN
D/O- LATE BRAJENDRA NATH BARMAN
R/O- VILL.- CHATIBARGAON
P.O. AND P.S. DHALIGAON
DIST. CHIRANG
BTAD
ASSAM
PIN- 783385.

6:MANIK CH. BARMAN
S/O- LATE MAHENDRA BARMAN
R/O- VILL.- CHATIBARGAON
P.O. AND P.S. DHALIGAON
DIST. CHIRANG
BTAD
ASSAM
PIN- 783385

Advocate for the Petitioner : MR. B J MUKHERJEE

Advocate for the Respondent :

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

19.07.2024

Heard the learned counsel Mr. B.J. Mukherjee appearing for the petitioner.

2. This is an application under Article 227 of the Constitution of India challenging the order dated 01.06.2024 passed by the learned Civil Judge (Junior Division), Chirang in Title Suit No.32/2021.

3. The petitioner being the plaintiff, prayed before the learned trial court for summoning some official witnesses. The court allowed the prayer but the plaintiff failed to take steps for that purpose. Accordingly, the hearing of the evidence was closed and the case was posted for argument.

4. After going through the materials available on record and after hearing Mr. Mukherjee, this Court is of the opinion that the petitioner should be given another opportunity to take steps to call some official witnesses. Therefore, the impugned order dated 01.06.2024 is set aside.

5. The learned trial court is directed to give one opportunity to the petitioner/plaintiff to take steps for summoning official witnesses and after examining of the official witnesses, the learned trial court shall dispose of the suit in accordance with the procedure as laid down by law.

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

JUDGE

Comparing Assistant