

GAHC010143862024



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

Case No. : CRP(IO)/250/2024

SUBODH RABHA AND 3 ORS
SON OF LATE KANTA RABHA,
RESIDENT OF VILLAGE- SAIKOTA,
P.O.- RAJAPARA VIA SINGRA,
P.S.- BOKO,
IN THE DISTRICT OF KAMRUP, ASSAM,
PIN- 781135.

2: DIGANTA RABHA
SON OF LATE KATIRAM RABHA

RESIDENT OF VILLAGE- SAIKOTA

P.O.- RAJAPARA VIA SINGRA

P.S.- BOKO

IN THE DISTRICT OF KAMRUP
ASSAM

PIN- 781135.

3: NILOKANTA LAHKAR
SON OF LATE TARUN LAHKAR

RESIDENT OF VILLAGE- SAIKOTA

P.O.- RAJAPARA VIA SINGRA

P.S.- BOKO

IN THE DISTRICT OF KAMRUP
ASSAM

PIN- 781135.

4: NARAKANTA RABHA
SON OF LATE KOKOLA RABHA

RESIDENT OF VILLAGE- SAIKOTA

P.O.- RAJAPARA VIA SINGRA

P.S.- BOKO

IN THE DISTRICT OF KAMRUP
ASSAM

PIN- 781135

VERSUS

MAHENDRA KUMAR DAS AND 6 ORS
SON OF LATE PITAMBAR SAS,
RESIDENT OF VILLAGE- BONDAPARA,
P.O.- BONDAPARA, P.S.- BOKO,
MOUZA- BEKELI,
IN THE DISTRICT OF KAMRUP (ASSAM).

2:BIMAL KUMAR DAS
SON OF LATE DEBIKANTA DAS

RESIDENT OF VILLAGE- BONDAPARA

P.O.- BONDAPARA
P.S.- BOKO

MOUZA- BEKELI

IN THE DISTRICT OF KAMRUP (ASSAM).

3:JYOTISH DAS
SON OF LATE DEBIKANTA DAS

RESIDENT OF VILLAGE- BONDAPARA

P.O.- BONDAPARA
P.S.- BOKO

MOUZA- BEKELI

IN THE DISTRICT OF KAMRUP (ASSAM).

4:GYAN DAS
SON OF LATE DEBIKANTA DAS

RESIDENT OF VILLAGE- BONDAPARA

P.O.- BONDAPARA
P.S.- BOKO

MOUZA- BEKELI

IN THE DISTRICT OF KAMRUP (ASSAM).

5:PRAFULLA DAS
SON OF LATE PURNA RAJBONGSHI

RESIDENT OF VILLAGE- BONDAPARA

P.O.- BONDAPARA
P.S.- BOKO

MOUZA- BEKELI

IN THE DISTRICT OF KAMRUP (ASSAM).

6:PRADANNA DAS
SON OF LATE PURNA RAJBONGSHI

RESIDENT OF VILLAGE- BONDAPARA

P.O.- BONDAPARA
P.S.- BOKO

MOUZA- BEKELI

IN THE DISTRICT OF KAMRUP (ASSAM).

7:MRINAL RAJBONGSHI
SON OF LATE PURNA RAJBONGSHI

RESIDENT OF VILLAGE- BONDAPARA

P.O.- BONDAPARA
P.S.- BOKO

MOUZA- BEKELI

IN THE DISTRICT OF KAMRUP (ASSAM)

Advocate for the Petitioner : MR. B PHUKAN

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 24.07.2024

- 1.** Heard Mr. B. Phukan, learned counsel for the petitioners.
- 2.** This application under Article 227 of the Constitution of India read with Section 151 of the Code of Civil Procedure, 1908 has been filed by the petitioners, impugning the order dated 13.05.2024 passed by learned Civil Judge (Sr. Division) Kamrup, Amingaon in Title Suit No. 229/2023, whereby the learned Trial Court debarred the present petitioner from filing a written statement in the aforesaid case.
- 3.** Learned counsel for the petitioner has submitted that the respondents had filed the Title Suit No. 229/2023 for declaration of right, title and interest and confirmation of possession and other consequential relief as well as permanent injunction against the petitioners and the summons were received by the present petitioners in the said case.
- 4.** However, the petitioners could not submit the written statement within the statutory period of 90 days as receipt of summons and some relevant documents are yet to be collected so as to enable the petitioners to prepare the defence in the said case. The petitioners had filed a petition bearing No. 1426/2024 seeking further time for filing the written statement.

5. The impugned order dated 13.05.2024 is quoted herein below for the sake of convenience :

“Title Suit No. 229/2023

ORDER

13.05.2024

The plaintiffs are represented. The defendants are represented and the Id. Counsel has vide petition no. 1426 sought another date for filing for written statement showing cause. Heard. Today is the 90th day for filing of written statement., from the date of service of summons to the defendants and therefore the petition seeking further time for filing of written statement could not be allowed and is therefore rejected. The defendants are debarred from filing of written statement.

Fixing 06.08.2024 for ADR/Issues/Documents.

*Civil Judge(Senior Division),
Kamrup, Amingaon”*

6. Learned counsel for the petitioners has submitted that it appears from the above the Trial Court had rightly rejected the prayer for grant of additional time for filing written statement, as the time prescribed under Order 8 Rule 1 of the Code of Civil Procedure, 1908 has already been completed since the date of service of summons on the present petitioners.

7. However, learned counsel for the petitioners has submitted that now the petitioners have collected the relevant documents and are ready to file the written statement on the next date fixed, i.e. on 06.08.2024 and therefore, they may be allowed to file the written statement, so as to effect in contest the suit filed by the respondent side, subject to any condition imposed by this Court.

8. Considering the nature of the case as well as for the ends of justice,

this Court dispenses with the notices to the respondent side and allows the petitioners to file the written statement without fail on the next date fixed, i.e. on 06.08.2024 before the Trial Court subject to payment of cost of Rs. 2,000/- which shall be deposited before the Trial Court on the next date fixed, the cost so deposited shall be given to the respondent/plaintiff by the Trial Court.

9. It is hereby made clear that no further indulgences shall be granted to the petitioners by the Trial Court on the said next date fixed and it shall be at liberty to proceed according to law, if the petitioners fail to submit a written statement on the next fixed date.

10. With above observations, this Revision Petition is disposed of.

JUDGE

Comparing Assistant