

GAHC010147042024



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

Case No. : CRP(IO)/256/2024

ABDUL KADER
SON OF LATE ALIM UDDIN,
VILL- KACHARIPETY PART-III,
P.O.- KIRTANPARA,
P.S.- ABHAYAPURI,
DIST.- BONGAIGAON,
ASSAM, PIN- 783384.

VERSUS

DHIRU KUMAR BHUYAN AND ANR
S/O- LATE PRABHAT CH. BHUYAN,
R/O- ABHAYAPURI TOWN, WARD NO. 3,
P.O. AND P.S.- ABHAYAPURI,
DIST.- BONGAIGAON (ASSAM),
PIN- 783384.

2:ALOKESH DAS
S/O- LATE SUBODH CH. DAS

R/O- ABHAYAPURI TOWN
WARD NO. III

P.O. AND P.S.- ABHAYAPURI

DIST.- BONGAIGAON (ASSAM)

PIN- 783384

Advocate for the Petitioner : MS. R CHOUDHURY

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA
ORDER

29.07.2024

Heard Ms. R. Choudhury, learned counsel for the petitioner.

This is an application filed under Article 227 of the Constitution of India challenging the order dated 25.06.2024 passed by the learned Civil Judge (Senior Division), Bongaigaon in T.S. No. 24/2018.

The respondent no. 1 filed T.S. No. 24/2018 against two persons including the present petitioner. The suit was pending in the court of the Civil Judge (Senior Division) No. 1, Bongaigaon.

The present petitioner filed TS No. 82/2017 (now renumbered as T.S. 120/2021) in the court of the Civil Judge, Bongaigaon. Because of pecuniary jurisdiction, the suit was transferred to the court of the Munsiff, Abhayapuri. Thereafter, in the year 2018, a person, namely, Dhiru Kumar Bhuyan, filed a suit against the present petitioner and another in the court of the Civil Judge, Bongaigaon. During the hearing of the suit before the Civil Judge, the present petitioner filed an application calling for the case record of TS No. 120/2021. The prayer was allowed. The case record was called for but no fresh order was passed in the said suit. Therefore, the present petitioner filed an application under Section 151 CrPC praying for simultaneous trial of his suit.

This application was rejected by the trial court.

I have considered the submission made by Ms. Choudhury.

I am of the considered opinion that the learned trial court failed to apply judicial mind

while passing the impugned order. Therefore, the order dated 25.06.2024 passed by the learned Civil Judge (Senior Division), Bongaigaon in T.S. No. 24/2018 is set aside. The trial court is directed to simultaneously proceed with the TS No. 121/2021. The trial court is further directed to simultaneously try both the suits for their disposal.

With the above, the present civil revision petition stands disposed of.

JUDGE

Comparing Assistant