

GAHC010147482023



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

Case No. : CRP/105/2023

GANESH RAHANG AND 2 ORS.

S/O- LATE BUDHI RAHANG, R/O- NAZIRAKHAT, P.O. TEPESIA, P.S.
SONAPUR, DIST. KAMRUP, ASSAM, PIN- 782402.

2: SHIVA RAHANG

S/O- LATE BUDHI RAHANG

R/O- NAZIRAKHAT

P.O. TEPESIA

P.S. SONAPUR

DIST. KAMRUP

ASSAM

PIN- 782402.

3: KARUNA RAHANG @ PABAN RAHANG

S/O- LATE BUDHI RAHANG

R/O- NAZIRAKHAT

P.O. TEPESIA

P.S. SONAPUR

DIST. KAMRUP

ASSAM

PIN- 782402

VERSUS

MEJANG PEGU

S/O- KALIRAM PEGU, R/O- VILL.- BORMOMUA GAON, P.O. JENGRAIMUKH,
P.S. JENGRAIMUKH, MAJULI, DIST. MAJULI, ASSAM, PIN- 785105.

Advocate for the Petitioner : MR R SENSUA

Advocate for the Respondent : MR G J SAIKIA

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

06.05.2024

This is an application under Article 227 of the Constitution of India, challenging the order dated 24.04.2023, whereby the learned Court of the Civil Judge No. 3, Kamrup (Metro) at Guwahati, vide the impugned order, rejected the application filed by the petitioner who are the defendants in the suit to file their written statement and further directed that the suit shall proceed without the written statement filed by defendants.

2. Upon hearing the learned counsel for the parties, it appears that the controversy is, as regards the non-receipt of the documents which were filed along with the plaint.

3. Mr G J Saikia, learned counsel appearing on behalf of the respondent, duly submits that the documents were duly furnished and the defendants had filed an application initially before the learned trial Court, wherein it was mentioned as regards non-receipt of the documents. However, subsequently, on 24.04.2023, the said application was filed that they have not received the documents. He, therefore, submits that this is a ploy employed by the defendants to delay the disposal of the suit.

4. This Court, upon taking into account that the controversy surrounds around, as to whether the documents were furnished to the defendants, along with the plaint, is of the opinion that the ends of justice would be met if a copy of the documents filed along with the plaint be served upon the counsel appearing on behalf of the defendants, so that the written statement can be filed. Accordingly, during the course of the hearing, the learned counsel

appearing on behalf of the respondent had furnished the copies of the documents, which have been filed along with the plaint, to the learned counsel appearing on behalf of the petitioners, who is also the counsel appearing on behalf of the defendants.

5. This Court interferes with the order dated 24.04.2023 and grants the liberty to the defendants to file their written statement by 7th of June, 2024. It is made clear that if the defendants fail to file their written statement by 7th of June, 2024, the order dated 24.04.2023, shall stand revived and the learned trial Court shall thereupon proceed with the suit in accordance with law.

6. With the above, the instant petition stands disposed of.

7. This Court further vacates the order dated 21.07.2023 and as the parties are duly represented, they are directed to appear before the learned trial Court on 07.06.2024.

JUDGE

Comparing Assistant