

GAHC010147922024



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

**Case No. : CRP(IO)/263/2024**

HARIHOR BORAH  
S/O- LATE NAREN CHANDRA BORAH,  
PERMANENT R/O- RUPNAGAR,  
P.O-RATANPUR,  
P.S AND DIST- DIBRUGARH, ASSAM,  
PRESENTLY RESIDING AT SAWNI GAON, ANANDA NAGAR, BHOGDOI  
MUKH, JORHAT EAST, JORHAT, ASSAM

VERSUS

DIPAMONI GOGOI BORAH (DIPALI)  
W/O- MUKUL BORA, R/O- RUPNAGAR, P.O- RATANPUR,  
P.S AND DIST- DIBRUGARH, ASSAM, PIN-786002

**Advocate for the Petitioner** : MR. D CHOUDHURY, MRS H CHAKRABORTY, MR B  
SINHA, MR T CHAKRABORTY

**Advocate for the Respondent** : ,

**BEFORE**  
**HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**ORDER**

**Date : 31.07.2024**

Heard Mr. D. Choudhury, the learned counsel appearing for the petitioner.

This is an application under Article 227 of the Constitution of India challenging the order dated 17.05.2024 passed by the learned Civil Judge (Senior Division), Dibrugarh in Misc.(J) Case No.129/2024 arising out of Title Suit No. 121/2022.

The petitioner is the plaintiff before the trial court. The defendant filed a written statement and counter claim. Against the said counter claim, the plaintiff filed a written statement. That prayer was not allowed primarily on the ground that the stipulated period for filing the written statement had expired.

I have considered the submission of Mr. Choudhury. I have also gone through the reasoning erroneously recorded by the trial court.

This Court is of the opinion that the learned trial court arrived at an erroneous finding and passed the impugned order.

Therefore, the impugned order is bad in law and stands set aside.

The trial court is directed to provide one opportunity to the plaintiff to file his written statement against the counter claim filed by the defendant.

With the aforesaid directions, the revision petition stands disposed of.

**JUDGE**

**Comparing Assistant**