

GAHC010180262023



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

Case No. : CRP(IO)/262/2023

LEJJA GHAFAR
W/O LATE SADULLA GHAFAR,
R/O FLAT NO. K- 3, JAGABANDHU APARTMENT, G.S. ROAD,
BHANGAGARH, GUWAHATI- 781005, DIST.- KAMRUP (METROPOLITAN),
ASSAM.

VERSUS

AZIZA GHAFAR
W/O LATE MD. SAQUEI,
R/O OPPOSITE BIMAL HONDA SHOWROOM, A.T. ROAD, P.O.- GAUHATI
UNIVERSITY, P.S.- JALUKBARI, ADABARI, PIN- 781014, DIST.- KAMRUP
(METROPOLITAN), ASSAM.

Advocate for the Petitioner : MS N RAHMAN

Advocate for the Respondent : S ALI

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

11.03.2024

This is an application filed under Article 227 of the Constitution challenging the order dated 24.05.2019 passed in Misc.(J) Case No.389/2019 as well as the consequential order dated 11.07.2023 whereby the review sought against the order dated 24.05.2019 was rejected.

2. This Court upon hearing the learned counsel appearing for the parties, has put a specific query as to whether the said Misc.(J) Case No.389/2019 has been disposed of taking into account that vide the impugned order dated 24.05.2019, it has been mentioned that 29.06.2019 is fixed for written objection. It has been duly submitted by the learned counsels appearing for both the parties that Misc. (J) Case No.389/2019 is still pending disposal by the learned trial court.

3. Under such circumstances, it is the opinion of this Court that this Court ought not to decide on the merits of the said application taking into account that the said application is pending before the learned trial court. The learned counsel appearing on behalf of the petitioner expresses urgency in the matter taking into account that the status-quo order which was passed was vacated vide the impugned order.

4. This Court during the course of the hearing has also taken note of that by the order passed on 19.12.2023 in Title Suit No.13/2019 the learned trial Court had kept the suit proceedings in abeyance until further orders, thereby fixed 18.03.2024 for necessary order(s). Under such circumstances, this Court vacates the interim order passed on 21.08.2023 and directs the learned trial court to proceed with the suit and also decide the Misc.(J) Case No.389/2019.

5. Taking into account that the matter is fixed on 18.03.2024, the parties shall appear before the learned trial court and the learned trial court taking into account its business shall fix a date for hearing and for disposal of the Misc.(J)

Case No.389/2019 at its earliest convenience.

6. This Court further observes that the learned trial court while deciding the Misc.(J) Case No.389/2019 shall not be influenced with the observations made in the order dated 24.05.2019.

7. The revision petition stands disposed of.

JUDGE

Comparing Assistant