

GAHC010191322022



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

Case No. : CRP(IO)/221/2022

MD. RIAJUDDIN AHMED @ MD. RIYAJUDDIN AHMED
S/O- ASHIRUDDIN AHMED, R/O- VILL.- BURHADAI CHAPARA, P.O. BURHA,
P.S. SIPAJHAR, PIN- 784148, DIST. DARRANG, ASSAM

VERSUS

MD. ABDUS SWMI AHMED
S/O- SIDDIQUE ALI, R/O- VILL.- BURHADAI CHAPARA, P.O. BURHA, P.S.
SIPAJHAR, DIST. DARRANG, ASSAM, PIN- 784148.

For the Petitioner(s) : Ms. S. S. Zia, Advocate

For the Respondent(s) : None appears.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 04.03.2024

1. The instant proceedings has been filed under Article 227 of the Constitution challenging the order dated 16.08.2022 passed in Money Suit No.68/2021 wherein the evidence of DWs 2 and 4 was expunged from the record and the further evidence of the DWs' was closed. The learned Trial Court i.e. the Court

of the Munsiff No.2, Mangaldai had fixed 27.09.2022 for arguments. This Court has duly perused the order sheet of Money Suit No.68/2021 and it is seen from the record that from 01.04.2019, the case was fixed for cross-examination of DW 1 to DW 4. Thereupon, on account of the cross-examination of the DW 2 and 4, the case has been fixed since 23.07.2019.

2. The record further reveals that on various occasions, time has been taken. Considering the above, this Court does not find any good ground for exercising the jurisdiction under Article 227 of the Constitution. Consequently, the instant proceedings stands dismissed.

3. The interim order dated 23.09.2022 passed by this Court is vacated and the learned Trial Court is directed to proceed with the disposal of the suit.

4. The Registry is directed to furnish a copy of the instant order to the learned Court below.

JUDGE

Comparing Assistant