

GAHC010191952024



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

Case No. : MC/66/2024

SK SAHIDUR RAHMAN @ SAHIDUR RAHMAN
SON OF SK. ABDUL MANNA, R/O- VILL- BAKRIHAWAR PART-VIII, P.S.-
ALGAPUR, DIST- HAILAKANDI, ASSAM, PIN- 788101.

VERSUS

THE STATE OF ASSAM AND 2 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HOME DEPARTMENT, DISPUR, GUWAHATI-
781006.

2:STATE LEVEL POLICE RECRUITMENT BOARD
ASSAM
REPRESENTED BY ITS CHAIRMAN
MADHAB DEVPUR
REHABARI
GUWAHATI- 781008
GROUND FLOOR OF APHC BUILDING.

3:SUPERINTENDENT OF POLICE
HAILAKANDI
PIN- 78815

Advocate for the Petitioner : MR F Z MAZUMDER,

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 17.09.2024

Heard Mr. F. Z. Mazumder, learned counsel for the petitioner. Also heard Mr. D. Borah, learned Government Advocate for the State respondents.

This is an application under Order XXI Rule 106 of CPC for restoration of WP(C) No. 3457/2022 which was dismissed for default vide order dated 11.09.2024.

The facts of the case is that when the matter was posted for admission hearing on 11.09.2024, since the engaged counsel was not present when the matter was called, this Court upon observing that the counsel was also absent on the last date when the matter was called, dismissed the matter for default by order dated 11.09.2024.

Mr. F. Z. Mazumder, learned counsel for the petitioner submits that because of heavy shower around 10.30 A.M on 11.09.2024, he could not attend the Court on time and by the time he reached, the matter was already dismissed and accordingly seeks restoration of the matter.

Mr. D. Borah, learned Government Advocate, Assam submits that he has received no instruction to object to the said prayer.

Heard both the parties.

It appears that the petitioner's counsel due to the heavy

shower on 11.09.2024 could not reach the Court when the matter was called which the matter was dismissed for non-prosecution.

The aforesaid reason appears to be sufficient for restoration.

Accordingly WP(C) No. 3457/2022 is restored to its original position as it was on 11.09.2024 subject to the condition that the petitioner shall deposit the amount of Rs. 5000/- to Gauhati High Court (Principal Seat) Employees Association.

Allowed.

JUDGE

Comparing Assistant