

GAHC010197582024



2024:GAU-AS:11588

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

Case No. : CRP(IO)/372/2024

PRAKASH BORO
S/O- LATE BALACHAN BORO, R/O- VILL.- DIGARU LUMATI, P.O. DIGARU,
P.S. SONAPUR, DIST. KAMRUP(M), ASSAM

VERSUS

KRISHNA DOIMARY BORO
W/O- LATE ANANDA BORO, R/O- VILL.- BELGURI, P.O. DIGARU, P.S.
SONAPUR, DIST. KAMRUP(M), GUWAHATI, PIN- 782401.

Advocate for the Petitioner : MD. A SAHAD, B.L. SARMA, MR. M H ALI, S M MUNIR

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 25.11.2024

Heard Mr. A. Sahad, learned counsel for the petitioner.

2. In this petition, under Article 227 of the Constitution of India, the petitioner has put to challenge the correctness or otherwise of the order dated 11.07.2024, passed by learned Presiding Officer, Special Land Grabbing Tribunal,

in Sessions (LG) Case No. 14/2019, whereby the learned Tribunal had adjourned the case on that day on the petition filed by the petitioner, being petition No. 2307/2024, for adjournment, however, the learned Tribunal had imposed a cost of Rs. 500/- and directed the same to be paid to the witnesses present on that day.

3. The petitioner has also put to challenge the correctness or otherwise of the order dated 14.08.2024, passed by the learned Tribunal by which the learned Tribunal had dispensed with cross-examination of the three witnesses of the respondent present on that day, by exercising the power under Order 17 Rule 2(e) of the CPC, for failing to pay the cost of Rs. 5,000/-, imposed vide order dated 23.07.2024, on that day.

4. Mr. Sahad, learned counsel for the petitioner submits that on 11.07.2024, the counsel for the petitioner could not remain present before the Tribunal as he was in Dibrugarh and due to artificial flood in Dibrugarh, he could not come and attend the Tribunal and on 14.08.2024, the petitioner could not pay the cost of Rs. 5,000/- imposed by the learned Tribunal on 23.07.2024 on account of poor financial condition. Mr. Sahad further submits that the petitioner is ready to pay the cost and that he may be allowed to cross-examine the witnesses of the respondent herein.

5. In view of the submission of Mr. Sahad, learned counsel for the petitioner, and also considering the facts and circumstances on the record, this Court is of the view that ends of justice would be met if the petitioner is allowed to cross-examine the witnesses of the respondent herein.

6. Accordingly, it is provided that the petitioner shall pay the cost of Rs. 5,000/- before the learned Tribunal on the next date of his appearance i.e. 27.11.2024 and thereafter, the learned Tribunal shall accept the same and allow

the petitioner to cross-examine the witnesses of the respondent.

7. In terms of above, this revision petition stands disposed of.

JUDGE

Comparing Assistant