

GAHC010199392017



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

Case No. : SAO/4/2017

MANAGING DIRECTOR ASSAM STATE TRANSPORT CORPORATION
ASSAM STATE TRANSPORT CORPORATION, PALTANBAZAR, GUWAHATI-1

VERSUS

SHRI GOPAL CHANDA
S/O LATE ABHAY CHANDA, R/O G.S. ROAD, ULUBARI, GUWAHATI-7,
KAMRUP, ASSAM.

For the appellant (s) : Mr. G. N. Sahewalla, Sr. Advocate
Ms. S. Todi, Advocate

For the respondent (s) : None appears

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

20.06.2024

Heard Mr. G. N. Sahewalla, the learned senior counsel assisted by Ms. S. Todi, the learned counsel appearing on behalf of the appellant.

2. This is an appeal under Order XLIII Rule 1 (u) of the Code of Civil Procedure, 1908 challenging the order dated 21.03.2017 whereby the

learned First Appellate Court, i.e. the Court of the Civil Judge, No.3, Kamrup (M) at Guwahati had remanded the suit being Title Suit No.665/2006 back to the learned Munsiff No.1, Kamrup (M) at Guwahati by setting aside the judgment and decree dated 03.11.2009.

3. This Court has duly taken note of the impugned order and finds no infirmity in the said order. Consequently, the instant appeal stands dismissed.

4. Taking into account that both the parties are duly represented before this Court, they are directed to appear before the Court of the learned Munsiff No.1, Kamrup (M) at Guwahati on 26.07.2024. The Court of the learned Munsiff No.1, Kamrup (M) at Guwahati shall duly proceed with the suit in accordance with law.

5. The Registry shall forthwith return the LCR to the learned Trial Court, i.e. the Court of the learned Munsiff No.1, Kamrup (M) at Guwahati so that on the next date so fixed by this Court, the said records are available before the Court below. In that regard, the Registry shall also employ the service of a Special Messenger.

JUDGE

Comparing Assistant