

GAHC010200822023



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

Case No. : CRP(IO)/90/2024

APURBA PAUL AND ANR
S/O LATE GURU DAS PAUL
RESIDENT OF VILLAGE KOTHAKUTHI PART I, SANTIPUR, PS
DHUPDHARA, DIST GOALPARA, ASSAM 783123

2: ASHOK PAUL
S/O LATE GURU DAS PAUL
RESIDENT OF VILLAGE KOTHAKUTHI PART I
SANTIPUR
PS DHUPDHARA
DIST GOALPARA
ASSAM 78312

VERSUS

MADAN SAHA AND ORS.
S/O LATE SURENDRA SAHA,
RESIDENT OF VILLAGE KOTHAKUTHI PART I, SANTIPUR, PS
DHUPDHARA, DIST GOALPARA, ASSAM 783123

2:SMTI ARPANA SAHA
S/O LATE SURENDRA SAHA

RESIDENT OF VILLAGE KOTHAKUTHI PART I
SANTIPUR
PS DHUPDHARA
DIST GOALPARA
ASSAM 78312

Advocate for the Petitioner : MR. DITUL DAS

Advocate for the Respondent :

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

01.03.2024

Heard Mr. D. Das, learned counsel appearing for the petitioners.

This is an application under Article 227 of the Constitution of India challenging the orders dated 10.06.2023, 12.08.2022 and 03.03.2020 passed by the learned Civil Judge (Junior Division) No.2, Goalpara in Title Suit No.39/2018.

The petitioners are the plaintiffs before the trial court. They examined two witnesses including himself. The second witness already expired. Therefore, the plaintiffs/petitioners prayed before the trial court seeking time to examine more witnesses. The learned trial court did not allow the prayer primarily on the ground that many adjournments are already taken by the petitioners.

I have considered the submissions made by Mr. Das.

Now, this Court is of the opinion that the petitioners should be given some opportunities to examine more witnesses because rejection of their prayer to examine more witnesses might be prejudicial to them. Therefore, the impugned orders dated 10.06.2023, 12.08.2022 and 03.03.2020 are set aside.

The learned trial court is directed to provide opportunities to examine more witnesses. Thereafter, the trial court shall dispose of the matter in accordance with the procedure as laid-down by law.

The revision petition is disposed of.

JUDGE

Benoy

Comparing Assistant