

GAHC010208922019



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

Case No. : CRP/122/2019

M/S. SHASWAT DEVELOPERS PVT. LTD.
FORMERLY M/S SHUBHAM BUILDERS PVT. LTD., PANCHAJANYA
BHAWAN, BLOCK B, 1ST FLOOR, BARTHAKUR MILL ROAD, ULUBARI,
GUWAHATI- 781007, KAMRUP(M).

VERSUS

M/S. TANTIA CONSTRUCTIONS LTD. AND ANR.
25/27 NETAJI SHBHAS ROAD, KOLKATA- 700001.

2:M/S TANTIA CONSTRUCTIONS LTD.
VILL. PAMOHI
PLOT NO. 267
MOUZA- RAMCHARANI
P.S.- GARCHUK
GUWAHATI- 781035
DIST. KAMRUP(M)

Advocate for the Petitioner : MR. S C KEYAL

Advocate for the Respondent : MR. D BARUAH

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

03.01.2024

Heard Mr. S. C. Keyal, learned counsel for the petitioner as well as Mr. P. Das,
learned counsel for the respondents.

This is an application filed under Article 227 of the Constitution of India challenging the order dated 13.05.2019 passed by the learned Civil Judge No. 1, Kamrup (M), Guwahati in Money Suit No. 211/2014.

On 13.05.2019, the petitioner, being the plaintiff before the trial court, filed an application seeking adjournment on the ground that the earlier Director of the Company had resigned and the new Director was yet to join his place. The trial court held that the ground for the said 5th adjournment was not exceptional ground and therefore, prayer of adjournment was rejected and the hearing of evidence of the plaintiff side was closed.

I have considered the submission made by the learned counsel of both sides. This court is of the opinion that the petitioner/plaintiff had shown a good ground for seeking adjournment. The learned trial court had failed to appreciate the prayer of adjournment on proper perspective. Hence, the impugned order dated 13.05.2019 passed by the learned Civil Judge No. 1, Kamrup (M), Guwahati in Money Suit No. 211/2014 is set aside. The petitioner/plaintiff shall be given at least one opportunity to examine his witnesses and, thereafter, the trial court shall proceed to dispose of the matter in accordance with law.

With the above direction, the civil revision petition stands disposed of.

JUDGE

Comparing Assistant