

GAHC010214792023



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

Case No. : CRP(IO)/119/2024

SUMIT BORO
S/O- LATE NAMAL BORO,
R/O- KERAKUCHI,
BALORAM BASUMATARY PATH,
H.NO-25, SAWKUCHI,
P.O- SAWKUCHI, GUWAHATI-40, DIST- KAMRUP (M), ASSAM

VERSUS

KARMESWAR BORO AND 6 ORS.
S/O- LATE RAJEN BORO,
R/O- BARSAJAI, BHETAPARA, RAJEN BORO BYE LANE ,
P.S- BASISTHA, GUWAHATI-29, DIST- KAMRUP (M), ASSAM

2:EASTERN PRESS AND PUBLICATIONS PRIVATE LIMITED
REP. BY ITS DIRECTOR
DEBABRATA SAIKIA

HAVING ITS REGD. OFFICE AT NANDAN NAGAR
SARUMATARIA
DISPUR
GUWAHATI-06
DIST- KAMRUP (M)
ASSAM

3:DEBABRATA SAIKIA
S/O- LATE HITESWAR SAIKIA

R/O NANDAN NAGAR
SARUMATARIA
DISPUR
GUWAHATI-06

DIST- KAMRUP (M)
ASSAM

4:JADU RAM KARJEE (TARANI)
FATHERS NAME NOT KNOWN

C/O-
(I) SECRETARY / PRESIDENT

TARANI SANGHA
CHIEF JUDICIAL MAGISTRATE COURT COMPLEX
PANBAZAR
GUWAHATI-01
DIST- KAMRUP (M)
ASSAM.

(II)KARMESWAR BORO

S/O- LATE RAJEN BORO

R/O- BARSAJAI
BHETAPARA
RAJEN BORO BY LANE

P.S- BASISTHA
GUWAHATI-29
DIST- KAMRUP (M)
ASSAM

5:THE STATE OF ASSAM
REP. BY THE CHIEF SECRETARY TO THE STATE OF ASSAM
DISPUR
GUWAHATI-06

6:THE DEPUTY COMMISSIONER
(NOW KNOWN AS DISTRICT COMMISSIONER)
KAMRUP (M)
ASSAM

7:THE SUB REGISTRAR
KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. DITUL DAS

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 04.04.2024

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

This is an application under Article 227 of the Constitution of India challenging the order dated 21.06.2023 passed by the Civil Judge, (Senior Division No.2), Kamrup(Metro), Guwahati in T.S. No.249/2013 rejecting the Petition No.3190/2022 filed by the petitioner under Order XIII Rule 10 of the Code of Civil Procedure.

The petitioner is a plaintiff before the trial Court. The petitioner prayed before the trial Court that one particular power of attorney being Power of Attorney No.2490/1999 is a forged document. According to the petitioner, the said power of attorney is now available in the criminal court in G.R. Case No.7845/2013 arising out of Hatigaon P.S. Case No.213/2013 pending in the Court of JMFC, Kamrup(Metro).

The petitioner filed an application under Order XIII Rule 10 of the Code of Civil Procedure praying for calling the criminal record of M.R. Case No.78/2013. The trial Court refused to do so.

After considering the submission made by Mr. Das and after going through the materials available on record, this Court is of the opinion that the learned trial Court has committed an error by refusing to call for the said record. Therefore, the impugned order is set aside. The trial Court is directed to call for the aforesaid criminal record more particularly M.R. Case No.78/2013. After the

enquiry is done, the record shall be returned.

With the aforesaid directions, the revision petition stands disposed of.

JUDGE

Comparing Assistant