

GAHC010228862019



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

Case No. : CRP(IO)/310/2019

SUSHMITA DUTTA AND ANR.
W/O LT. JITUMONI @ TUTUMONI SARMA, R/O HOUSE NO. 33, C/O MR. K.R.
MORE, 2ND LINK ROAD, NEAR LANE-4, P.O. LINK ROAD, SILCHAR,
CACHAR, ASSAM, PIN-788006

2: MASTER SABYASASHI SARMA (MINOR)
LT. JITUMONI @ TUTUMONI SARMA
REP. IN THIS PETITION BY HIS MOTHER AND NATURAL GUARDIAN SMTI.
SUSHMITA DUTTA
R/O HOUSE NO. 33
C/O MR. K.R. MORE
2ND LINK ROAD
NEAR LANE-4
P.O. LINK ROAD
SILCHAR
CACHAR
ASSAM
PIN-78800

VERSUS

ARUP KUMAR SARMA AND ANR.
S/O LT. DILIP SARMA, R/O LAKHIMI PATH, HOUSE NO. 3, NEAR PRAGATI
APARTMENT, BELTOLA TINIAL, P.O. BELTOLA, P.S. HATIGAON, DIST.
KAMRUP (M), ASSAM, PIN-781028

2:MITU AHMED (SARMA)
S/O LT. DILIP SARMA
PRESENTLY RESIDING AT HOJAI
OPP. SKYLARK ENGLISH ACADEMY
COLLEGE ROAD
HOJAI
P.O. AND P.S. HOJAI
DIST. NAGAON

ASSAM
PIN-78243

Advocate for the petitioner(s): Mr. A Biswas

Advocate for the respondent(s): Mr. MK Sarma

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

24.05.2024

This is an application under Article 227 of the Constitution challenging the order dated 06.07.2019 passed in LA Case No.11/2018, whereby the learned District Judge, Kamrup(M) Guwahati has rejected the application for calling of the original copy of the filled up NRC form submitted to the NRC Seva Kendra, Dispur by Dilip Sarma (since deceased).

2. Mr. A Biswas, the learned counsel appearing on behalf of the petitioners submits that as the petitioners herein has assailed the will and in order to prove that the signature appearing in the said will is not the signature of the deceased Dilip Sarma, the petitioners have called for the original copy of the filled-up form of the NRC form submitted by Dilip Sarma. On the other hand, Mr. MK Sarma, the learned counsel appearing on behalf of the respondent No.1 submitted that a perusal of the application so filed would show that they wanted the original form only for the purpose of obtaining a certified copy and for that the question

of calling for the said document does not arise.

3. This Court upon hearing the parties, has enquired from Mr. MK Sarma, learned counsel appearing on behalf of respondent No.1 as to whether Late Dilip Sarma had any bank account. He submits that Late Dilip Sarma had Bank accounts in his name during his lifetime.

4. Taking into account the above, this Court is of the opinion that no interference is required to the order dated 06.07.2019 passed in LA No.11/2018, *inasmuch as*, this Court finds no infirmity for exercising the jurisdiction under Article 227 of the Constitution.

5. Accordingly, the instant petition, therefore, stands dismissed.

6. The interim order passed on 18.09.2019 stands vacated and as the parties are duly represented, they are directed to appear before the Court of the learned District Judge, Kamrup(M) Guwahati on 19.06.2024.

JUDGE

Comparing Assistant