

GAHC010235622022



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

Case No. : CRP(IO)/276/2022

SUREKHA BEDI
D/O- MANOHAR LAL VERMA, R/O- B2/603, HOUSEFED COMPLEX,
RUPNAGAR, SRIMANTAPUR ROAD, BHANGAGARH, GUWAHATI-781032,
ASSAM

VERSUS

RANJAN ADHIKARI AND ANR.
S/O- LATE UDAY NANDA ADHIKARI, R/O- H/NO. 6, CHANDMARI, PUB-
SARANIA, GUWAHATI-781003.

2:MANORANJAN CHOUDHURY
S/O- LATE MADAN CHOUDHURY
R/O- H/NO. 9(A)
BAGHARBORI
SATGAON ROAD
GUWAHATI-781037

Advocate for the Petitioner : MR. A DAS

Advocate for the Respondent : MR. P KHATANAR

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 12.06.2024

Heard Mr. A. Das, learned counsel appearing for the petitioner and Mr. P.

Khataniar, learned counsel appearing for the respondent No. 2. None appears for the respondent No. 1 in spite of service of notice.

2. This is an application under Article 227 of the Constitution of India challenging the order dated 31.08.2022 passed by the learned Civil Judge No. 3, Kamrup (M) at Guwahati in Misc. (J) Case No. 17 of 2022 arising out of Title Suit No. 374 of 2021.

3. The present petitioner filed a suit being Title Suit No. 374 of 2021 against the respondent No. 1 praying for a decree of mandatory, prohibitory and perpetual injunction against the said respondent.

4. Thereafter, the respondent No. 1 filed an application before the Trial Court stating that he had already sold the property to the respondent No. 2 and therefore, his name should be struck off from the title page of the plaint.

5. The Trial Court agreed and struck off his name.

6. The petitioner being the plaintiff has filed the present Revision Petition challenging the order of the Trial Court.

7. I have considered the submissions made by the learned counsel of both sides.

8. In a civil suit, the plaintiff is the *dominus litis*. Therefore, without the consent of the plaintiff the name of the defendant cannot be struck off from the title page of the plaint.

9. Therefore, the impugned judgment is bad in law and stands set aside. The name of the respondent No. 1 shall be restored in the title page of the plaint before the Trial Court.

With the aforesaid directions, the Revision Petition stands disposed of.

JUDGE

Comparing Assistant