

GAHC010235622022



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

CRP(IO)/277/2022

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 : MR. A DAS
Advocate for : MR. P KHATANIR (R2) appearing for RANJAN ADHIKARI AND ANR.

**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 19.10.2022 passed by the learned Civil Judge No. 3, Kamrup (M) at Guwahati in Misc. (J) Case No. 918 of 2022 arising out of Title Suit No. 374 of 2021.

3. The present petitioner filed an application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure praying for an order of injunction.

4. The Trial Court did not pass any ex-parte order and the Court directed that notice should be issued to the other side.

5. Today, both sides are present in this Court.

6. Therefore, the matter is remanded to the Trial Court for coming to a decision after hearing both sides.

7. Both sides are directed to appear before the Trial Court on 27th June, 2024 for receiving further order (s).

8. The impugned order dated 19.10.2022 passed by the learned Civil Judge No. 3, Kamrup (M) at Guwahati in Misc. (J) Case No. 918 of 2022 is modified to that extent.

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

JUDGE

Comparing Assistant