

GAHC010247802024



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

Case No. : CRP(IO)/488/2024

APURBA HAZARIKA
S/O LATE CHANDRAKANTA HAZARIKA, R/O AKASH COMPLEX, A.T.
ROAD, TOKOBARI SATRA, P.O. AND P.S.-PANBAZAR, DIST- KAMRUP (M),
ASSAM, PIN-781001

VERSUS

SMT. DIPASHREE HAZARIKA
D/O LATE SUDHIR KR. CHOUDHURY, R/O CHATTRIBARI ROAD, HOUSE NO.
37 (PART-A), P.S.-PALTAN BAZAR, GUWAHATI-781008, DIST- KAMRUP (M),
ASSAM

Advocate for the Petitioner : MR P K KALITA, MR K TALUKDAR

Advocate for the Respondent : MR. K U AHMED, MR S HUSSAIN, MR. A S ALI, MR. S A B
KHABIR

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

18.12.2024

Heard Mr. P.K. Kalita, learned Senior counsel assisted by Mr. K. Talukdar, learned counsel for the petitioner and also heard Mr. S.A.B. Khabir, learned counsel for the sole

respondent.

2. In this petition, under Article 227 of the Constitution of India, the petitioner has put to challenge the correctness or otherwise of the order dated 05.10.2024, passed by the learned Principal Judge, Family Court No. 1, Guwahati, Kamrup(M), in F.C. (Civil) No. 800/2022.

3. Mr. Kalita submits that the matter between the petitioner and the respondent has already been settled and to that effect, they had filed a petition before the Counselor, Principal Judge, Family Court No. 1, Guwahati, Kamrup(M) and thereafter, the Counselor had returned the file to the learned Principal Judge, Family Court No. 1, Guwahati, Kamrup(M) and the thereafter, the learned Principal Judge had fixed the matter for settlement of issues on 29.08.2023. Mr. Kalita further submits that the learned Principal Judge, Family Court No. 1, Guwahati, Kamrup(M) has thereafter, fixed the matter on 06.01.2025 for evidence of PWs (last chance) and since the matter has been settled between the parties, instead of taking evidence and hearing argument on that point, the learned Principal Judge could have passed a compromised decree and instead of doing that, it has fixed the matter on 06.01.2025 for evidence of the witnesses and the same cause delay in disposal of the case and the petitioner has been suffering since 2011. Under such circumstances, Mr. Kalita submits that this petition may be disposed of by directing the learned Principal Judge, Family Court No. 1, Guwahati, Kamrup(M) to pass final order on the petition No.104/2023, dated 19.07.2023.

4. The learned counsel for the respondent submits that he has no objection in directing the learned Trial Court to dispose of the compromise petition and in disposing of the suit, however, the issue of granting permanent alimony has also to be settled before disposing of the suit.

5. Having heard the submission of learned Advocates of both the parties and also considering the facts and circumstances on the record, it is provided that the learned Principal Judge, Family Court No.1, Guwahati, Kamrup(M), shall disposed of the petition No.104/2023, dated 19.07.2023, as soon as practicable, preferably on the next date of

hearing and the parties are granted liberty to raise all the ancillary issues such as granting of permanent alimony etc. before the learned Principal Judge. The learned Principal Judge shall consider such issues in accordance with law in the event of raising the same by the parties.

6. In terms of above, this civil revision petition stands disposed of.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant