

GAHC010255832023



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

Case No. : CRP(IO)/367/2023

SANJIB HAZARIKA AND 3 ORS
S/O LATE KAMAL HAZARIKA, R/O VILL- FATOWAL GAON, P.O.-
FURKATNG, P.S.-GOLAGHAT, DIST- GOLAGHAT, ASSAM, PIN-785610

2: SMTI GITALI BORA
W/O SRI BIPUL CHANDRA BORA
R/O VILL-BHOROLOWA GAON
MOUZA-KACHARIHAT
P.O.-SALIKIHAT
P.S.-GOLAGHAT
DIST-GOLAGHAT
ASSAM
PIN-785625

3: SMTI MITALI KAKOTI
W/O SRI AMULYA KAKOTI
R/O VILL-GANAKPUKHURI
MOUZA-GURJUGONIA
P.O.-DHEKIAL
P.S.-GOLAGHAT
DIST-GOLAGHAT
ASSAM
PIN-785622

4: SMTI. MOROMI BORA
W/O SRI NIPUL BORA
R/O VILL-SENSOWA GAON
MOUZA DHEKIAL
P.O.-ADHAR SATRA
P.S.-GOLAGHAT
DIST-GOLAGHAT

ASSAM
PIN-78570

VERSUS

DILIP SAIKIA
S/O LATE ADIRAM SAIKIA, R/O VILL- ATH GAON, MOUZA- ATH GAON,
P.O.-FURKATING, P.S.-GOLAGHAT, DIST-GOLAGHAT, ASSAM, PIN-785610

Advocate for the Petitioner : L K BORAH

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

08.04.2024

Heard Mr. L K Borah, learned counsel for the petitioners.

This is an application filed under Article 227 of the Constitution of India challenging the order dated 15.09.2023 passed by the learned Civil Judge (Junior Division) No. 2, Golaghat in Title Suit No. 20/2022.

On 15.09.2023, the aforesaid Title Suit was posted for taking steps before the preliminary hearing. On that day, the plaintiffs filed an application praying for adjournment on the ground of illness. But the trial court simply rejected the application without showing any ground.

I have considered the submission made by the learned counsel for the petitioners.

The impugned order shows that the learned trial court did not exercise judicial mind while passing the impugned order. Therefore, the impugned order dated 15.09.2023 passed by the learned Civil Judge (Junior Division) No. 2, Golaghat in Title Suit No. 20/2022 is bad in law and stands set aside accordingly. The trial court shall provide at least one opportunity to the petitioners/plaintiffs to take steps before the preliminary hearing.

With the aforesaid direction, the civil revision petition is disposed of.

JUDGE

Comparing Assistant