

GAHC010259142022



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

Case No. : CRP(IO)/323/2022

NEELOTPAL BHATTACHARJEE AND 2 ORS.
S/O LATE NRIPENDRA NATH BHATTACHARJEE, R/O HAILAKANDI TOWN,
WARD NO. 3, ASHRAM ROAD, P.O., P.S. AND DIST-HAILAKANDI, ASSAM

2: NEELRATAN BHATTACHARJEE
S/O LATE NRIPENDRA NATH BHATTACHARJEE
R/O HAILAKANDI TOWN
WARD NO. 3, ASHRAM ROAD
P.O. P.S. AND DIST-HAILAKANDI, ASSAM

3: NEETISH BHATTACHARJEE
S/O LATE NRIPENDRA NATH BHATTACHARJEE
R/O HAILAKANDI TOWN
WARD NO. 3, ASHRAM ROAD
P.O. P.S. AND DIST-HAILAKANDI, ASSAM

VERSUS

SMT. JOBA BHATTACHARJEE
W/O HIMADRI SEKHAR BHATTACHARJEE, D/O AMAL KANTI
BHATTACHARJEE, R/O HAILAKANDI TOWN, WARD NO. 12, STATION
ROAD, P.O.-HAILAKANDI, PIN-788151, DIST-HAILAKANDI

Advocate for the Petitioner : MR. S P CHOUDHURY

Advocate for the Respondent : MS. R CHOUDHURY

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH
ORDER

Date : 29-04-2024

This application under Article 227 of the Constitution of India is filed challenging the order dated 08.09.2022 passed by the learned Civil Judge,

Hailakandi, in Misc. Case No. 115/2022 arising out of Money Suit No. 16/2021.

None has appeared on behalf of the petitioners on call. However, the respondent, who is the plaintiff in the suit, is duly represented by Ms. R. Choudhury, learned counsel.

This Court has duly taken note that the impugned order is an order whereby the application filed by the respondent No. 1/plaintiff under Order 6, Rule 17 of the Code of Civil Procedure, 1908 (for short, "the Code") was allowed.

This Court had also duly taken note that the Amendment Application reveals that amendment of the plaint was sought for by insertion of the relief of permanent injunction, which was stated to be inadvertently left out at the time of filing of the suit. It is relevant to observe that the suit is at the nascent state and the trial has not started.

Considering the above, this Court finds no illegality in passing of the impugned order dated 08.09.2022, for which the instant petition stands dismissed.

The interim order passed by this Court on 28.12.2022 stands vacated and the parties are directed to appear before the learned trial court on 03.06.2024 and the learned trial court shall proceed with the disposal of the suit in accordance with law.

JUDGE

Comparing Assistant