

GAHC010259662019



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

Case No. : I.A.(Civil)/3655/2019

MOKADDAS ALI
S/O- LT TUFAN ALI, R/O- VILL- BAISHA GAON, MOUZA- SARUKHETRI
DIST- BARPETA, ASSAM, P.S. SARTHEBARI, PIN- 781301

VERSUS

SAUKAT ALI AND ANR.
S/O- LT TUFAN ALI, R/O- VILL- BAISHA GAON, MOUZA- SARUKHETRI,,
DIST- BARPETA, ASSAM, P.S. SARTHEBARI, PIN- 781301

2:LABU MIA
S/O- LT INSAN ALI
R/O- VILL- BAISHA GAON
MOUZA- SARUKHETRI
DIST- BARPETA
ASSAM
P.S. SARTHEBARI
PIN- 78130

For the Appellant(s) : Ms. I. Das, Advocate

For the Respondent(s) : Mr. S. C. Keyal, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 26.06.2024

Ms. I. Das, the learned counsel appearing on behalf of the Applicant submits that inadvertently, the instant proceedings has been filed under

Section 115 of the Code of Civil Procedure, 1908. She submits that the proceedings ought to have been filed under Article 227 of the Constitution. Under such circumstances, she submits that as there is no limitation in filing an application under Article 227 of the Constitution, she would not like to press the instant application for condonation of delay.

2. Accordingly, the instant Interlocutory Application stands closed on withdrawal.

3. The Registry is directed to re-register the accompanying Civil Revision Petition as a proceeding under Article 227 of the Constitution of India and thereupon, list the matter for motion immediately after the summer vacation.

4. The learned counsel for the Applicant shall also file a fresh Cause Title before the Registry within 15.07.2024.

5. Ms. I. Das, the learned counsel is further directed to serve a copy of the accompanying Revision Petition to Mr. S. C. Keyal, the learned counsel who represents the Respondent No.2.

JUDGE

Comparing Assistant