

GAHC010260562023



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

Case No. : CRP/193/2023

ARPANA BISWAS AND 2 ORS
D/O- BISHNU RAM BISWAS,
W/O- JOGODISH BISWAS,
R/O- PURNI,
P.S.- GOLAKGANJ,
DISTRICT- DHUBRI, ASSAM.
PRESENTLY R/O- NIGAM NAGAR,
P.S.- DINHATA, DIST.- COOCHBEHAR (W.B.)

2: JYOTIKA BISWAS
D/O- BISHNU RAM BISWAS

W/O- RATAN BISWAS

R/O- PURNI

P.S.- GOLAKGANJ

DISTRICT- DHUBRI
ASSAM.

3: REBA BISWAS
D/O- BISHNU RAM BISWAS

W/O- PANKAJ BHAKAT

R/O- PURNI

P.S.- GOLAKGANJ

DISTRICT- DHUBRI
ASSAM.
PRESENTLY RESIDING AT-
VILLAGE- KUMARIKATI

P.S.- GOLAKGANJ

DIST.- DHUBRI
ASSAM

VERSUS

ZOBBAR ALI @ ZOBOR ALI AND 7 ORS
S/O- SABED ALI,
R/O- PURNI,
P.S.- GOLAKGANJ,
DISTRICT- DHUBRI,
ASSAM.

2:DILBAR ALI
S/O- SABED ALI

R/O- PURNI

P.S.- GOLAKGANJ

DISTRICT- DHUBRI
ASSAM.

3:ZAHAN ALI
S/O- SABED ALI

R/O- PURNI

P.S.- GOLAKGANJ

DISTRICT- DHUBRI
ASSAM.

4:BOBITA BISWAS
D/O- BISHNU RAM BISWAS

BEING MINOR REPRESENTED BY HER HUSBAND SUDHAN BISWAS

S/O- BABLU BISWAS

R/O- PURNI

P.S.- GOLAKGANJ

DISTRICT- DHUBRI
ASSAM.

5:BISHNU RAM BISWAS
S/O- ADHAR BISWAS

R/O- PURNI

P.S.- GOLAKGANJ

DISTRICT- DHUBRI
ASSAM.

6:THE STATE OF ASSAM
REPRESENTED BY DEPUTY COMMISSIONER
DHUBRI

P.O. AND P.S.- DHUBRI
ASSAM.

7:SUB-REGISTRAR
DHUBRI
P.O. AND P.S.- DHUBRI

DISTRICT- DHUBRI
ASSAM.

8:A.S.O.
GOLAKGANJ
P.O. AND P.S.- GOLAKGANJ

DIST.- DHUBRI
ASSAM

For the Petitioner(s) : Mr. M. A. Sheikh, Advocate

For the Respondent(s) : Mrs. R. Choudhury, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 13.05.2024

Heard Mr. M. A. Sheikh, the learned counsel appearing on behalf of the

Petitioners and Mrs. R. Choudhury, the learned counsel appearing on behalf of the Respondents.

2. This is an application challenging the order dated 14.09.2023 passed in Misc (J) Case No.114/2023 arising out of Title Suit No.137/2014 by the Court of the learned Civil Judge (Junior Division) No.2, Dhubri whereby the amendment so sought for in the plaint of a typographical error in mentioning the date of the registered Deed of Sale was sought to be corrected. The said application was rejected taking into account that the same was filed at the time of arguments.

3. This Court has duly taken note of that in the plaint, the plaintiffs had categorically mentioned the Deed Number as 365/12 however in Paragraph No.4 of the plaint and in Para 11(ii) & (iii), the date was wrongly put as 02.02.2012 which ought to have been 27.02.2012. This Court has also taken note of that the said Deed of Sale has been duly exhibited and the said amendment so made does not in any manner change the nature and character of the suit or in any manner cause any prejudice to the Defendants.

4. Under such circumstances, this Court allows the application being Misc. (J) Case No.114/2023 thereby allowing the amendment so sought for. This Court further directs the Sheristadar of the Court of the Munsiff No.2, Dhubri upon production of the certified copy of the instant order to make the necessary corrections in Paragraph No.4 and Paragraph Nos. 11(ii) and (iii) of the plaint by hand thereby the date of Deed of Sale be mentioned as 27.02.2012 instead of 02.02.2012. On the basis of the correction, the learned Trial Court shall proceed with the arguments of the case.

5. This Court vide an order dated 18.12.2023 stayed the further proceedings of Title Suit No.137/2014 pending before the Court of the learned Civil Judge

(Junior Division) No.2, Dhubri. The said interim order stands vacated and with a direction to the parties to appear before the learned Trial Court on 10.06.2024. Prior to that, by 03.06.2024, the plaintiffs shall produce the certified copy of the instant order before the Sheristadar of the Court of the Munsiff No.2, Dhubri for making the necessary corrections in the plaint as directed above.

6. With above observations and directions, the instant revision petition stands disposed of.

JUDGE

Comparing Assistant