

GAHC010269172017



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

Case No. : CRP/22/2018

ABHIJIT HAZARIKA
S/O- SRI KIRON CH. HAZARIKA, R/O- DADHARA, BAMUN CHUBURI, P.O.
TEZPUR, MOUZA- BHAIRABPAD, DIST- SONITPUR, ASSAM, PIN-784001

VERSUS

BASANTA KUMAR RAI
S/O- GAJEN CH. RAI, MURAHTETALI, P.O. TEZPUR, MOUZA- BHAIRABPAD,
DIST- SONITPUR, ASSAM, PIN-784001

For the Applicant(s) : Mr. B. Chakraborty, Advocate

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

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 22.03.2024

1. Mr. B. Chakraborty, the learned counsel appearing on behalf of the Petitioner submitted that the instant revision application is not maintainable inasmuch as an appeal lies under Section 100 against the impugned judgment and decree passed by the learned First Appellate Court dated 03.06.2017 in Title Appeal No.15/2012. He submitted that from a perusal of the plaint itself, it would show that the suit houses are situated Bamun Chuburi, Tezpur which is outside the Tezpur municipal area and as such the Assam Urban Areas Rent Control Act, 1972 shall not be applicable. He therefore submitted that he may

be permitted to withdraw the instant petition with a liberty to avail such appropriate remedies as available under law.

2. Taking into account the above, the instant petition stands dismissed on withdrawal. It is however relevant to observe that as the Petitioner herein has approached this Court on the basis of a legal advice and thereupon, have been diligently and bonafidely pursuing the instant proceedings, the period during which the instant proceedings have been pending is required to be excluded while computing the period of limitation.

3. This Court therefore directs that the period from 28.12.2017 till date be excluded while computing the period of limitation in respect to such appropriate remedies availed by the Petitioner.

4. This Court has also taken note of the submission of Mr. B. Chakraborty, the learned counsel to the effect that the certified copy of the judgment and decree dated 03.06.2017 be given to the Petitioner. This Court permits the learned counsel for the Petitioner to file appropriate application before the Registry of this Court and upon such application being filed, the Registry shall forthwith and not later than 5 (five) days therefrom provide the certified copy of the judgment and decree dated 03.06.2017 to the learned counsel for the Petitioner.

5. Interim order passed if any, stands vacated.

6. The Registry is directed to forthwith return the LCR to the Court below.

JUDGE

Comparing Assistant