

GAHC010271912022



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

Case No. : CRP(IO)/8/2023

RANJAN PRASAD KANU
S/O SHIBLAL KANU, R/O WARD NO. 3, GAURIPUR, P.O. AND P.S.-
GAURIPUR, DIST-DHUBRI, ASSAM

VERSUS

SWAPAN KUMAR KANU AND 3 ORS
S/O SATYA NARAYAN KANU, R/O GAURIPUR TOWN WARD NO. 3, P.O. AND
P.S.-GAURIPUR, DIST-DHUBRI, ASSAM, PIN-783331

2:TAPAN KUMAR KANU
S/O SATYA NARAYAN KANU
R/O GAURIPUR TOWN WARD NO. 3
P.O. AND P.S.-GAURIPUR
DIST-DHUBRI
ASSAM
PIN-783331

3:JAGADISH SHA
S/O LATE SHIB RATAN SHA
R/O GAURIPUR TOWN WARD NO. 3
P.O. AND P.S.-GAURIPUR
DIST-DHUBRI
ASSAM
PIN-783331

4:BASODEO SHA
S/O SRI HIRA SHA
R/O GAURIPUR TOWN WARD NO. 3
P.O. AND P.S.-GAURIPUR
DIST-DHUBRI
ASSAM
PIN-78333

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

For the Respondent(s) : Mr. D. Kalita, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 01.04.2024

1. This is an application filed under Article 227 of the Constitution challenging the order dated 13.12.2022 passed in Title Suit No.97/2001 whereby the learned Trial Court i.e. the Court of the Munsiff No.1, Dhubri had permitted adducing of witness of PW-3 in Title Suit No.97/2001 on the ground that the PW-2 who had submitted his evidence on affidavit expired prior to his cross-examination.
2. This Court having perused the order dated 13.12.2022 is of the opinion that the said order does not suffer from any jurisdictional error and more so, the question of interfering with the said order in exercise of the powers under Article 227 of the Constitution does not arise. Accordingly, the instant petition stands dismissed.
3. The interim order passed on 05.06.2023 passed by this Court stands vacated.
4. As both the parties are duly represented, they are directed to appear before the Trial Court on 02.05.2024.
5. The learned Trial Court shall proceed with the disposal of Title Suit No.97/2001 in accordance with law.

JUDGE

Comparing Assistant