

GAHC010275012023



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

Case No. : CRP/195/2023

NIBHA TALUKDAR AND 4 ORS
RESIDENT OF SOUTH SARANIA,
1ST BYE LANE (RIGHT),
OPP. KASTURBA ASHRAM,
P.S.- PALTAN BAZAR,
DIST.- KAMRUP METRO,
GUWAHATI- 781007, ASSAM.

2: BIBHA RANI TALUKDAR
RESIDENT OF SOUTH SARANIA

1ST BYE LANE (RIGHT)

OPP. KASTURBA ASHRAM

P.S.- PALTAN BAZAR

DIST.- KAMRUP METRO

GUWAHATI- 781007
ASSAM.

3: ARATI TALUKDAR
RESIDENT OF SOUTH SARANIA

1ST BYE LANE (RIGHT)

OPP. KASTURBA ASHRAM

P.S.- PALTAN BAZAR

DIST.- KAMRUP METRO

GUWAHATI- 781007

ASSAM.

4: HIRA MONI TALUKDAR
RESIDENT OF SOUTH SARANIA

1ST BYE LANE (RIGHT)

OPP. KASTURBA ASHRAM

P.S.- PALTAN BAZAR

DIST.- KAMRUP METRO

GUWAHATI- 781007
ASSAM.

5: KASHYAP MEDHI
RESIDENT OF SOUTH SARANIA

1ST BYE LANE (RIGHT)

OPP. KASTURBA ASHRAM

P.S.- PALTAN BAZAR

DIST.- KAMRUP METRO

GUWAHATI- 781007
ASSAM

VERSUS

DEPUTY REGISTRAR (FINANCE) AND ANR (B)
OLD BUILDING GAUHATI HIGH COURT,
KACHARI GHAT, GHY-1,
DIST.- KAMRUP(M), ASSAM.

2:BIJOY TALUKDAR
RESIDENT OF WEST BORGAON

GAKHIR CHOWK

SHANTI NAGAR PATH

P.S.- GARCHUK

DIST- KAMRUP METRO

GUWAHATI- 781035

Advocate for the Petitioner : MRS. HIRAMONI TALUKDAR ROYCHOUDHURY

Advocate for the Respondent : SC, GHC

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

05.04.2024

This is an application filed under Section 115 of the Code of Civil Procedure, 1908 (for short, the Code) challenging the order dated 09.03.2023 passed in Misc.(J) Case No.455/2022 as well as the order dated 13.10.2023 passed in Misc. Appeal No.12/2023.

2. From a perusal of the impugned order dated 09.03.2023, it reveals that the respondent No.2 herein filed an application seeking impleadment in the said suit on the ground that the respondent No.2 is one of the legal representatives of Late Basanta Kumar Talukdar, whose retiral benefits, the plaintiffs were seeking. The learned Trial Court on the basis thereof vide order dated 09.03.2023 permitted the said impleadment.

3. Being aggrieved, the petitioners herein filed an appeal before the Court of the learned Civil Judge (Senior Division) No.3, Kamrup(M) at Guwahati which was registered and numbered as Misc.Appeal No.12/2023. The said appeal was dismissed on the ground of maintainability vide order dated 13.10.2023. It is

under such circumstance, both the orders dated 09.03.2023 as well as the order dated 13.10.2023 have been put to challenge in the instant proceedings.

4. This Court having perused the order dated 09.03.2023 is of the opinion that the learned Trial Court did not commit any jurisdictional error. This Court also is of the opinion that the said order dated 09.03.2023 is not an appealable order within the ambit of Section 104 of the Code. Under such circumstances, the question of interference with the orders dated 09.03.2023 and 13.10.2023 do not arise, for which, the instant petition, therefore, stands dismissed.

JUDGE

Comparing Assistant