

GAHC030000142024



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

Case No. : CRP/1/2024

M/s SSR CREST Engineers and Constructions Ltd
Plot No. 8P, HMT Satavahana Colony, Kukatpally, Hyderabad-5000072, r/b its
Managing Director/Proprietor

VERSUS

Smt C.Ramthianghlimi and 36 Ors.
W/o Lalzawngliana, R/o Electric Veng, Lunglei, Mizoram

Advocate for the Petitioner : Mr. Joseph Mangsuanhau
Advocate for the Respondent : Mr B Lalramenga

Linked Case : I.A.(Civil)/15/2024

M/s SSR CREST Engineers and Constructions Ltd. r/b its mananging
Director/Proprietor
Plot No. 8P

HMT SATavahana Colony

Kukatpally
Hyderabad-500072

VERSUS

Smt.C.Ramthianghlimi and 36 Ors.
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R/o Electric Veng

Lunglei
Mizoram

Advocate for the Petitioner : Mr. Joseph Mangsuanhau
Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA
ORDER**

Date : 22.03.2024

Heard Mr. Joseph Mangsuanhua, learned counsel for the petitioner.

This petition has been filed by the petitioner praying for setting aside of the order dated 23.10.2023 passed in Money Suit No. 44/2022 pending before the Civil Judge (Sr. Division)-IV, Aizawl Judicial District, Aizawl.

The learned counsel for the petitioner submits that the petitioner was arrayed as defendant No. 4 in the said money suit. However, inspite of attempt made by the counsel appearing for the defendant No. 4, copies of the plaint along with all relevant documents were never served. Consequently, an application was filed by the petitioner before the competent Court to strike out and/or delete the name of the defendant No. 4. The learned Court of Civil Judge (Sr. Division)-IV upon consideration of the matter declined to allow the application filed and rejected the prayer for deleting the name of defendant No. 4 from the instant Money Suit being Money Suit No. 44/2022. Being aggrieved, the present petition has been filed.

Mr B. Lalramenga, learned counsel appears for all the respondents who submits that he would like to file an affidavit opposing the prayers of the petitioner.

The learned counsel for the petitioner does not oppose to the prayer made. However, he submits that further proceedings in the suit be stayed as in the event the suit proceeds, it will likely to have an adverse effect on the petitioner. It is submitted that the next fixed in the matter is 26.03.2024.

In that view of the matter, let the matter be listed again on 10.04.2024 by which time the respondents will file their affidavit as prayed for.

Till the next date, the further proceedings, the Money Suit No. 44/2022 pending before the Civil Judge (Sr. Division)-IV, Aizawl Judicial District, Aizawl shall remain stayed.

JUDGE

Comparing Assistant