GAHC010005902026

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

Case No. : CRP(IO)/60/2026

PRABHU KUMAR PODDAR
SON OF LATE K.D. PODDAR, RESIDENT OF PODDAR BHAWAN, MALIGAON, BARA BAZAR, P.O.-PANDU, P.S.- JALUKBARI, DISTRICT- KAMRUP (METRO), ASSAM.

VERSUS

SMT. INDU JAIN
WIFE OF LATE PADAM JAIN, RESIDENT OF A.K. AZAD ROAD, P.S.- PALTAN BAZAR, REHABARI, DISTRICT- KAMRUP (METRO), ASSAM.

Advocate for the Petitioner : MR. M L PANDIA,

Advocate for the Respondent : ,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

15.07.2026

Heard Mr. M.L. Pandia, learned counsel for the petitioner.

It is to be noted here that in this petition under Article 227 of the Constitution of India, the petitioner has challenged the orders dated 16.01.2025 and 18.11.2025,

passed by the learned Civil Judge (Sr. Division) No.1, Kamrup(M), Guwahati, in Title Suit No.514/2024. It is also to be noted here that vide impugned orders dated 16.01.2025 and 18.11.2025, the learned Civil Judge (Sr. Division) No.1, Kamrup(M), Guwahati, has rejected the petitions filed by the petitioner for setting aside the ex-parte order dated 16.01.2025.

It is also to be noted here that it is well settled in the case of **Bhanu Kumar Jain v. Archana Kumar and another**, reported in **(2005) 1 SCC 787** that when an application under Order IX Rule 13 of the Code of Civil Procedure is dismissed, the defendant can only avail a remedy available there against viz. to prefer an appeal in terms of Order XLIII Rule 1 of the Code of Civil Procedure.

In view of the aforementioned proposition of law laid down by Hon'ble Supreme Court in the case of **Bhanu Kumar Jain (supra)** when brought to the notice of Mr. Pandia, he submits that he may be allowed to withdraw this petition with liberty to approach this Court again by filing appropriate petition.

Accordingly, taking note of the submission of Mr. Pandia, learned counsel for the petitioner, this civil revision petition stands disposed of on withdrawal. However, liberty will remain with the petitioner to approach this Court again by filing appropriate petition.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant