GAHC010064952025

2026:GAU-AS:15993

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

**Case No. : CRP(IO)/117/2025**

NASIR UDDIN SK
S/O- LATE FOYEZULLAH SK @ FOZORULLA SK,
DHUBRI, ASSAM

2: ON THE DEATH OF ABDUL MOZID SK HIS LEGAL HEIRS AND LEGAL REPRESENTATIVES
i) ABDUL MOTALEB

S/O- LATE ABDUL MOZID SK

DHUBRI
ASSAM

3: ABDUL MONNAF
2. ii) ABDUL MOTALEB

S/O- LATE ABDUL MOZID SK

DHUBRI
ASSAM

4: MORIJINA KHATUN
2. iii) ABDUL MOTALEB

D/O- LATE ABDUL MOZID SK

DHUBRI
ASSAM

5: JOBEDA BIBI
2. iv) ABDUL MOTALEB

W/O- LATE ABDUL MOZID SK

DHUBRI
ASSAM

6: FORIZON BEWA
W/O- HABIBAR RAHMAN

D/O- LATE FOYEZULLAH SK @ FOZORULLA SK

ALL ARE R/O VILLAGE- KEDAR PART I
P.O- DIMAKURI
P.S- GOLAKGANJ

DIST-DHUBRI
ASSAM
PIN-78333

VERSUS

THE HEAD MASTER CUM SECRETARY
KEDAR BISWASPARA LP SCHOOL, KEDAR PART I, P.O- DIMAKURI, P.S- GOLAKGANJ, DIST-DHUBRI, ASSAM, PIN-783334

2:THE MANAGING COMMITTEE
KEDAR BISWASPARA LP SCHOOL
KEDAR PART I
P.O- DIMAKURI
P.S- GOLAKGANJ
DIST-DHUBRI
ASSAM
PIN-783334

3:ON THE DEATH OF RANGMAIA BARMANI HER HEIRS AND LEGAL REPRESENTATIVES

i)MUNTU CH RAY

S/O- LATE RAZ KUMAR RAY AND LATE RANGMALA BARMANI

R/O- VILLAGE- KEDAR PART I
P.O- DIMAKURI
P.S- GOLAKGANJ
DIST- DHUBRI
ASSAM
PIN-783334

4:DHANESWAR BISWAS
S/O- MADAN RAY

S/O- LATE JANGAL BISWS

R/O- VILLAGE- KEDAR PART I
P.O- DIMAKURI
P.S- GOLAKGANJ
DIST- DHUBRI
ASSAM
PIN-78333

**Advocate for the Petitioner** : MR B DEORI, MR G BHARADWAJ,MR. A C SARMA

**Advocate for the Respondent** : ,

**BEFORE**
**HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**ORDER**

**Date : 02.11.2026**

**1.** Heard Mr. A. C. Sarma, learned counsel for the petitioners. None appears for the respondents.

**2.** This is an application under Article 227 of the Constitution of India challenging the order dated 03.01.2025 passed by the learned Civil Judge (Senior Division), Dhubri in Misc.(J) Case No.77/2023 arising out of Title Appeal No.01/2022.

**3.** The petitioner(s) was the plaintiff(s) in the original suit before the Trial Court. His suit was dismissed. Therefore, he filed the Title Appeal No.01/2022. Before the Appellate Court, he filed a petition under Order VI Rule 17 of the Code of Civil Procedure, 1908, praying amendment of his pleadings. That application was rejected by the Appellate Court stating that the Order VI Rule 17 of the Code of Civil Procedure does not allow such a prayer.

**4.** I have considered the submissions made by learned counsel for the

petitioners.

**5.** This Court is of the opinion that the impugned order is a cryptic one.

**6.** The learned Lower Appellate Court did not apply judicial mind while passing the impugned order.

**7.** This order dated 03.01.2025 is bad in law and stands set aside.

**8.** The matter is remanded to the Lower Appellate Court to pass a reasoned order on the prayer of the petitioners.

**9.** With the aforesaid direction, the Civil Revision Petition stands disposed of.

**JUDGE**

**Comparing Assistant**