GAHC010094142026

2026:GAU-AS:16613

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

Case No. : CRP(IO)/180/2026

AKABBAR ALI
S/O LATE SHUKUR ALI, R/O VILLAGE AND P.O - BALABHITA, MOUZA - D.C. BAUSHI, P.S.- BARPETA ROAD, DISTRICT- BARPETA (ASSAM), PIN NO-781313.

VERSUS

REJIA KHATUN AND 6 ORS.
D/O LATE SHUKKUR ALI, RESIDENT OF VILLAGE - HALDIA PATHAR, MOUZA - RUPOHI, P.S.- KALGACHIA, SUB POST OFFICE - BARPETA ROAD, DISTRICT - BARPETA, ASSAM. PIN NO-781319

2:ANOWARA BEGUM
D/O LATE SHUKKUR ALI
RESIDENT OF VILLAGE - HALDIA PATHAR
MOUZA - RUPOHI
P.S.- KALGACHIA
SUB POST OFFICE - BARPETA ROAD
DISTRICT - BARPETA
ASSAM. PIN NO-781319

3:MALEKAN NESSA
D/O LATE SHUKKUR ALI
RESIDENT OF BALABHITA
MOUZA - D.C. BAUSHI
P.S.- BARPETA ROAD
SUB POST OFFICE - BARPETA ROAD
DISTRICT - BARPETA
ASSAM
PIN NO- 781313

4:HASHEM ALI

H/O LATE HAJERA KHATUN
RESIDENT OF VILLAGE - JAKLIBIL PATHAR
MOUZA - GOBARDHANA
P.S.- BARPETA ROAD
SUB POST OFFICE - BARPETA ROAD
DISTRICT - BARPETA
ASSAM
PIN NO- 781315

5:HABIJA KHATUN
D/O LATE HAJERA KHATUN
RESIDENT OF VILLAGE - JAKLIBIL PATHAR
MOUZA - GOBARDHANA
P.S.- BARPETA ROAD
SUB POST OFFICE - BARPETA ROAD
DISTRICT - BARPETA
ASSAM
PIN NO- 781315

6:HAMIDA KHATUN
D/O LATE HAJERA KHATUN
RESIDENT OF VILLAGE - JAKLIBIL PATHAR
MOUZA - GOBARDHANA
P.S.- BARPETA ROAD
SUB POST OFFICE - BARPETA ROAD
DISTRICT - BARPETA
ASSAM
PIN NO- 781315

7:HABIBAR RAHMAN
S/O LATE HAJERA KHATUN
RESIDENT OF VILLAGE - JAKLIBIL PATHAR
MOUZA - GOBARDHANA
P.S.- BARPETA ROAD
SUB POST OFFICE - BARPETA ROAD
DISTRICT - BARPETA
ASSAM
PIN NO- 78131

Advocate for the Petitioner : MR. P P DAS, R MALI,MR. SURAJIT DAS

Advocate for the Respondent : S K PODDAR(R1,2), R MANDAL(R1,2),MR. R GHOSH(R1,2),MR. C SHARMA(R1,2)

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 12.11.2026

1. Heard Mr. S. Das, learned counsel for the petitioner. Also heard Mr. S. K. Poddar, learned counsel for the respondent Nos.1 and 2.

2. This is an application under Article 227 of the Constitution of India Challenging the order dated 25.03.2026 passed by the learned Civil Judge (Sr. Division), Barpeta in Title Suit No.99/2025.

3. In the suit before the Trial Court, the defendants apart from filing the written statements, have filed a counter claim. The plaintiff filed an application before the Trial Court stating that he needed a copy of the written statement cum counter claim so that he can file a written statement against the counter claim. His prayer was rejected for certain reasons.

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

5. This Court is of the opinion that the plaintiff should be given an opportunity to file a written statement against the counter claim filed by the defendants.

6. Therefore, the impugned order dated 25.03.2026 is set aside.

7. The Trial Court is directed to provide one opportunity to the plaintiff to file

the written statement against the counter claim filed by the defendants.

8. Both sides are directed to appear before the Trial Court on 16.12.2026.

9. With the aforesaid directions, this Civil Revision Petition stands disposed of.

JUDGE

Comparing Assistant