GAHC010247502026

2026:GAU-AS:16724

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

Case No. : CRP(IO)/587/2026

PRADIP SAHA
S/O LT. HARIPAD SAHA @ JAMAI, R/O VILLAGE- SIMLITOLA, NAYAPARA, P.O.- SIMLITOLA, P.S.- RANGJULI, DISTRICT- GOALPARA, ASSAM

VERSUS

PRADIP SAHA AND 5 ORS.
S/O LATE BENI MADHAB SAHA, R/O VILLAGE- SANTIPUR, DUDHNOI, P.S.- DUDHNOI, DISTRICT- GOALPARA, ASSAM

2:BIJOY SAHA
S/O LATE BENI MADHAB SAHA
R/O VILL- SIMLITOLA
NAYAPARA
P.S.- RANGJULI
DIST- GOALPARA
ASSAM

3:PRAKASH SAHA
S/O LATE BENI MADHAB SAHA
R/O VILL- SIMLITOLA
NAYAPARA
P.S.- RANGJULI
DIST- GOALPARA
ASSAM

4:KISHOR SAHA
S/O LT. BASANTA SAHA
R/O VILL- SIMLITOLA
NAYAPARA
P.S.- RANGJULI
DIST- GOALPARA

ASSAM

5:SUDEB SAHA
S/O LT. BADAL CH. SAHA
R/O VILL- SIMLITOLA
NAYAPARA
P.S.- RANGJULI
DIST- GOALPARA
ASSAM

6:BIKASH SAHA
S/O LATE BENI MADHAB SAHA
R/O VILL- SIMLITOLA
NAYAPARA
P.S.- RANGJULI
DIST- GOALPARA
ASSAM AND ALSO A RESIDENT OF MALIGAON
GUWAHATI
P.S.- JALUKBARI
DISTRICT- KAMRUP (M)
ASSAM

Advocate for the Petitioner : MR. M A SHEIKH, MS S A KHALIFA,MR. S A WASI,MS F INTAZ

Advocate for the Respondent : ,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

13.11.2026

Heard Mr. M.A. Sheikh, the learned counsel appearing for the petitioner.

2. This is an application under Article 227 of the Constitution of India praying for setting aside the order dated 27.08.2026 passed by the learned Civil Judge (Jr. Divn.) No.2, Goalpara in Misc.(J) Case No.100/2025 arising out of T.S. No.55/2025.

3. The petitioner is the defendant before the trial court. He could not file his written statement for certain reasons. Therefore, the trial court directed that the case should be proceeded *ex parte* against the present petitioner. Thereafter, the petitioner filed an application under Order IX Rule 13 of the Code of Civil Procedure (CPC) praying for setting aside the aforesaid order directing the case to proceed *ex parte*. The petitioner cited some reasons. But the trial court disagreed with the petitioner and dismissed his application.

4. Mr. Sheikh has submitted that he has already filed the written statement.

5. I have considered the submissions made by Mr. Sheikh in the light of the materials available with the record.

6. This Court is of the opinion that for the ends of justice, the petitioner should be given one opportunity to contest the case.

7. Therefore, the order directing the case to proceed *ex parte* against the present petitioner is set aside. It is further directed that the order dated 27.08.2026 passed by the learned Civil Judge (Jr. Divn.) No.2, Goalpara is also set aside.

8. The trial court shall accept the written statement filed by the defendant and thereafter proceed to dispose of the case in accordance with the procedure as laid down by law.

With the aforesaid direction, the present civil revision petition is disposed of.

JUDGE

Comparing Assistant