GAHC010250952026

2026:GAU-AS:16606

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

Case No. : CRP(IO)/589/2026

SARDAR GURMIT SINGH @ GURMIT SINGH
SON OF LATE SARDAR TEK SINGH, RESIDENT OF CHINAPATTY, MAKUM ROAD, P.S. AND P.O.- TINSUKIA, DISTRICT - TINSUKIA, ASSAM, PIN - 786125

VERSUS

SMTI. SHILA DEVI AND 16 ORS.
W/O LATE DAYA SHANKAR SINGH, RESIDENT OF CHINAPATTY, MAKUM ROAD, P.S. AND P.O. - TINSUKIA, DISTRICT - TINSUKIA, ASSAM, PIN - 786125.

2:SONU SINGH
S/O LATE DAYA SHANKAR SINGH
RESIDENT OF CHINAPATTY
MAKUM ROAD
P.S. AND P.O. - TINSUKIA
DISTRICT - TINSUKIA
ASSAM
PIN - 786125.

3:RAM NATH SINGH
S/O KAILASH SINGH
RESIDENT OF CHINAPATTY
MAKUM ROAD
P.S. AND P.O. - TINSUKIA
DISTRICT - TINSUKIA
ASSAM
PIN - 786125.

4:MANIK DAS
S/O LATE NAGENDRA KUMAR DAS

RESIDENT OF CHINAPATTY
MAKUM ROAD
P.S. AND P.O. - TINSUKIA
DISTRICT - TINSUKIA
ASSAM
PIN - 786125.

5:TINSUKIA MUNICIPAL BOARD
A STATUTORY BODY CONSTITUTED UNDER THE ASSAM MUNICIPAL ACT 1956
REPRESENTED BY ITS CHAIRPERSON
TINSUKIA TOWN
P.O.
P.S. AND DISTRICT-TINSUKIA
ASSAM

6:THE EXECUTIVE OFFICER
TINSUKIA MUNICIPAL BOARD
TINSUKIA TOWN
P.O.
P.S. AND DISTRICT-TINSUKIA
ASSAM

7:THE ENGINEER(S)
TINSUKIA MUNICIPAL BOARD
TINSUKIA TOWN
P.O.
P.S. AND DISTRICT- TINSUKIA
ASSAM

8:ANIT KUMAR SINGH
REGISTERED DESIGNER AND ENGINEER
TINSUKIA MUNICIPAL BOARD
TINSUKIA TOWN
P.O.
P.S. AND DISTRICT- TINSUKIA
ASSAM

9:SYED ABOU JASNIN
REGISTERED DESIGNER AND ENGINEER
TINSUKIA MUNICIPAL BOARD
TINSUKIA TOWN
P.O.
P.S. AND DISTRICT - TINSUKIA
ASSAM

10:SUNIL KUMAR AGARWAL
S/O GAJANAND AGARWAL

C/O TAKURAMKA
NEAR HONGKONG RESTAURANT
CHINAPATTY
MAKUM ROAD
TINSUKIA
P.O.
P.S. AND DISTRICT- TINSUKIA
ASSAM.

11:SMTI DEEPALI ROUT
WIFE OF LATE KHAGENDRA NARAYAN ROUTH
RESIDENT OF CHINAPATTY
MAKUM ROAD
TINSUKIA
P.O.
P.S. AND DISTRICT-TINSUKIA
ASSAM

12:MANTOSH DAS
SON OF LATE NAGENDRA KUMAR DAS
RESIDENT OF BHIMPARA GAON
NEAR GOWSALA
P.O.
P.S. AND DISTRICT-TINSUKIA
ASSAM

13:SMTI APARAJIT DAS
WIFE OF NIREN DAS
RESIDENT OF MAMOALL
NAMRUP
P.O. AND P.S.- NAMRUP
DISTRICT - DIBRUGARH
ASSAM

14:SMTI DEEPALI LODH
WIFE OF SUBHASH LODH
RESIDENT OF GUIJAN NEAR ASSAMESE SCHOOL
P.O.- GUIJAN
P.S. AND DISTRICT- TINSUKIA
ASSAM

15:SMTI SHIBANI PAUL
WIFE OF GOPAL PAUL
RESIDENT OF SRIPURIA NEAR SALT GODOWN
P.O.- SRIPURIA
P.S. AND DISTRICT- TINSUKIA
ASSAM

16:SMTI BHAGAWATI DEVI SWAMI
WIFE OF DR. KEDAR NATH SWAMI
DAUGHTER OF LATE RAMSWARUP SHARMA
PRESENTLY RESIDING AT NITI MARG
BAJAJ NAGAR
JAIPUR
RAJASTHAN AND A PERMANENT RESIDENT OF LAXMI NARAYAN MARKET
A.T. ROAD
TINSUKIA TOWN
P.O.
P.S. AND DISTRICT-TINSUKIA
ASSAM

17:SMTI MADHU DEVI BASOTIA
SON OF LATE CHANDRA PRAKASH BASOTIA
RESIDENT OF CHINA PATTY
TINSUKIA
P.O.
P.S. AND DISTRICT- TINSUKIA
ASSA

Advocate for the Petitioner : MR. BHASKAR DUTTA, SENIOR ADVOCATE, MR JITENDRA DAS,MR. SAILENDRA DEKA

Advocate for the Respondent : ,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

12.11.2026

Heard the learner senior counsel Mr. B. Dutta assisted by Mr. S. Deka, the learned counsel appearing for the petitioner.

2. This is an application under Article 227 of the Constitution of India challenging

the order dated 30.09.2026 passed by the learned Civil Judge (Jr. Divn.) No.1, Tinsukia in Title Suit No.33/2020.

3. The petitioner is the defendant before the trial court. In the aforesaid suit, the plaintiffs' witness i.e. the P.W.1 was partly cross-examined by the defendant. After that, the plaintiffs filed an application stating that the P.W.1's further cross-examination should be kept in abeyance and the cross-examination of the P.W.2 should start. He has submitted that P.W.1 is the resident of Bangalore and it is difficult for him to come to the court to face cross-examination by the defendant. The trial court allowed the prayer of the plaintiffs.

4. I have considered the submissions made by Mr. Dutta.

5. This Court is of the opinion that the learned trial court has erroneously oriented itself and passed the impugned order dated 30.09.2026.

6. Let the cross-examination of the P.W.1 be completed. After that, the remaining witnesses of the plaintiffs' side shall be cross-examined.

7. Accordingly, the impugned order dated 30.09.2026 is set aside. The trial court is directed to proceed with the cross-examination of P.W.1 first. After that, remaining witnesses of the plaintiffs' side shall be cross-examined.

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

JUDGE

Comparing Assistant