GAHC010258752026

2026:GAU-AS:17202

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

Case No. : CRP(IO)/606/2026

MUKESH KUMAR PRITHANY AND 2 ORS.
SON OF RAJ KUMAR PRITHANY, RESIDENT OF LAL BUNGLOW ROAD, POST AND P.S.- TINSUKIA, DISTRICT- TINSUKIA, ASSAM

2: SMT. ISHIKA PITHANI
RESIDENT OF LAL BUNGLOW ROAD
POST AND P.S.- TINSUKIA
DISTRICT- TINSUKIA
ASSAM

3: M/S RAMESWAR IRON AND STEEL PVT. LTD.
A COMPANY INCORPORATED UNDER THE PROVISIONS OF THE COMPANIES ACT
HAVING ITS OFFICE AT LAL BUNGLOW ROAD
TINSUKIA
ASSAM REPRESENTED BY ITS DIRECTOR
SRI KISHAN PITHANI

VERSUS

RANJAN GHOSH
SON OF HEM CHANDRA GHOSH, VILLAGE- JUTHANG BASTI, MOUZA- KAKI, P.S.- LANKA, DISTRICT- HOJAI, ASSAM

Advocate for the Petitioner : MR. S CHAMARIA, MR IRANGLUBE,MR M M ZAMAN

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 20.11.2026

1. Heard Mr. S. Chamaria, learned counsel for the petitioners.

2. This is an application filed under Article 227 of the Constitution of India challenging the order dated 03.10.2026 passed by the learned Civil Judge (Sr. Division), Hojai in Money Suit No.01/2026.

3. The petitioner is the defendant before the Trial Court. He filed his written statement but could not file the affidavit in support of the said written statement and, therefore, prayed for some time.

4. On 29.07.2026, he had prayed for some time to file the affidavit and his payer was allowed subject to payment of a cost of Rs.1,000/-. On 03.10.2026, the petitioner did not pay the cost and again prayed for some time.

5. The learned Trial Court found that the period of 90 days had already lapsed by that time. Therefore, the prayer of the petitioner/defendant was rejected. The Court refused to accept the written statement as because it was not filed with an affidavit.

6. I have considered the submissions made by the learned counsel for the petitioners.

7. This Court is of the opinion that the petitioners should have been given some time to file the same. Therefore, the impugned order dated 03.10.2026 is bad in law

and stands set aside.

8. The petitioners shall file notarized affidavit in support of the written statement and thereafter the Court shall accept the written statement and proceed to dispose of the case in accordance with the procedure as laid down by law.

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

JUDGE

Comparing Assistant