

Bal Bahadur Limbu and Others Vs. Ashbel Barloo

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Court : Guwahati

Decided On : Mar-18-2014

Judge : The Honourable Chief Justice Mr. a.M. Sapre

Appeal No. : CRP 465 of 2006

Appellant : Bal Bahadur Limbu and Others

Respondent : Ashbel Barloo

Judgement :

Heard Ms. S Borah, learned counsel for the petitioners.

This is a revision petition filed by the plaintiff under Article 226/227 of the Constitution of India read with Section 115 of the Civil Procedure Code questioning the legality and correctness of the order dated 5.10.2005 passed by the learned Civil Judge (Sr. Division) Golaghat in a pending civil suit being T.S. No. 16/2002.

By the impugned order, the learned Civil Judge dismissed the application made by the plaintiff in the said pending suit under Order 16, Rule 1(2) of the Civil Procedure Code which was registered as Petition No. 871/05.

At this stage, I am not inclined to apply my mind to the merits and de-merits of the impugned order passed by the learned Civil Judge and grant liberty to the plaintiff to challenge the legality and correctness of this order, if occasion so arises, in a

regularly constituted appeal under Section 96 of the Civil Procedure Code against the final judgment and decree that may be passed in the civil suit finally one way or the other.

This occasion may or may not arise, but at this stage, I express no opinion either way.

Learned Civil Judge is directed to decide the civil suit which is pending since 2002 on day to day basis and dispose of the same strictly in accordance with law within a period of six months from the date of parties appearance before the Judge concerned.

Parties shall appear before the Trial Court on 7.4.2014 and produce a copy of this order to enable the learned Trial Judge to proceed in the matter and decide the suit finally strictly in accordance with law after affording opportunity of being heard to both the parties concerned.

As a result, the stay order passed on 6.1.2006 is hereby vacated/ recalled to enable the Trial Judge to decide the suit as directed.

The original records of the case be sent to the concerned Trial Court forthwith by the Registry so as to reach the concerned Trial Court on or before 7.4.2014. No Cost.

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