GAHC010198372026

2026:GAU-AS:15364

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

Case No. : CRP(IO)/521/2026

MD. TAHER UDDIN
S/O LATE MONIRUDDIN, VILLAGE- DAKHIN KALADUBA, P.O. AND P.S.- JURIA, DISTRICT- NAGAON, ASSAM

VERSUS

MD. BILLAL UDDIN AND 4 ORS.
S/O LT. ABDUL SAMED, R/O VILLAGE- KAWAIMARI, P.O. AND P.S.- JURIA, DISTRICT- NAGAON ASSAM. PIN- 782124

2:MD. MOTIBUR RAHMAN
S/O LT. ABDUL SAMED
R/O VILLAGE- KAWAIMARI
P.O. AND P.S.- JURIA
DISTRICT- NAGAON ASSAM. PIN- 782124

3:MD. BURHAN ALI
S/O LT. ABDUL SAMED
R/O VILLAGE- KAWAIMARI
P.O. AND P.S.- JURIA
DISTRICT- NAGAON ASSAM. PIN- 782124

4:MD. ABU BAKKAR SIDDIQUE
S/O LT. ABDUL SAMED
R/O VILLAGE- KAWAIMARI
P.O. AND P.S.- JURIA
DISTRICT- NAGAON ASSAM. PIN- 782124

5:MD. ATAUR RAHMAN
S/O LT. ABDUL SAMED

R/O VILLAGE- KAWAIMARI
P.O. AND P.S.- JURIA
DISTRICT- NAGAON ASSAM. PIN- 78212

Advocate for the Petitioner : MR. A M BARBHUIYA, S. M. ZINNA

Advocate for the Respondent : ,

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

12.10.2026

1. Heard Mr. A M Barbhuiya, the learned counsel for the petitioner.

2. This application under Section 227 of the Constitution of India has been filed by the petitioner, Md. Taher Uddin, impugning the order dated 04-06-2026 passed by the Court of learned Civil Judge (Senior Division), Nagaon in Money Suit No. 7 / 2023, whereby further time sought for by the present petitioner for filing written statement was denied and the suit proceeded to the next stage of framing of issues and submission of documents.

3. The learned counsel for the petitioner submits that in the aforesaid money suit on 04-06-2026, the petitioner had filed an application seeking adjournment. He submits that said application was filed on medical ground. However, while rejecting the said petition, the trial court did not consider the said plea taken by the petitioner in his

adjournment petition.

4. He submits that the issues are yet to be framed in the aforesaid suit and if the petitioner is not allowed to put up his defence by way of filing written statement, he would be greatly prejudiced.

5. I have considered the submissions made by learned counsel for the petitioner and have gone through the records.

6. Apparently, there does not appear to be any error in the impugned order, as on perusal of the impugned order, it appears that enough chances were given to the present petitioner for filing his written statement and in the meanwhile, period of 90 days have also elapsed. However, it is always convenient for the court to decide a matter on merit after considering the cases of both the sides. And as, in the instant case, the next date of the Money Suit No. 7 / 2023 is fixed on 05-11-2026 for framing of issues, as such, this Court is of considered opinion that if the petitioner is given last chance to file written statement, subject to payment of some costs to the respondent/ plaintiff, the ends of justice would be served.

7. As such, the petitioner is allowed to submit his written statement in Money Suit No. 7 / 2023 before the trial court on the next date fixed i.e. on 05-11-2025, subject to payment of a cost of Rs. 5,000/- to the plaintiff on that day itself.

8. It is hereby made clear that payment of cost imposed by this Court shall be a condition precedent for accepting the written statement filed by the present petitioner in the aforesaid money suit.

9. With above observation, this CRP (IO) is hereby disposed of.

JUDGE

Comparing Assistant