GAHC010211782026

2026:GAU-AS:14778

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

Case No. : CRP(IO)/497/2026

PRASANTA KUMAR BORUAH
SON OF LT. PADMADHAR BORUAH, RESIDENT OF KHELMATI, W/NO.14 (B)
POLICE STATION- NORTH LAKHIMPUR DISTRICT- LAKHIMPUR, PIN-787031

VERSUS

SMT. CHANDRA LEKHA BHUYAN AND 10 ORS.
WIFE OF SRI BUDHINDRA DEKA, RESIDENT OF RANGAPARA, WARD NO-2, SANKARDEV PATH, POLICE STATION- RANGAPARA, PIN-784505

2:SMT. ANJALI SAIKIA
WIFE OF LATE BIJOY SAIKIA
RESIDENT OF DURGASAROBAR
KAMAKHYA GATE
POLICE STATION- BHARALUMUKH
PIN-781009

3:SMT. GITANJALI BHUYAN
WIFE OF SRI HEMANTA KR. NEOG
RESIDENT OF RAJDHANI APARTMENT
GANESHGURI
POLICE STATION- DISPUR
PIN -781006

4:SMT. PUSPANJALI BHUYAN
WIFE OF PRASANTA BARUAH
RESIDENT OF KHELMATI
W/NO.14 (B)
POLICE STATION- NORTH LAKHIMPUR
PIN-787001

5:SMT. RUPANJALI BHUYAN
WIFE OF SRI ASHOK DUTTA. RESIDENT OF KHELMATI
W/NO.14 (B)
POLICE STATION- NORTH LAKHIMPUR
PIN- 787001

6:SMT. JULI LAHAN BHUYAN
WIFE OF LT. GAUTAM BHUYAN
RESIDENT OF KHELMATI
W/NO.14 (B)
POLICE STATION- NORTH LAKHIMPUR
PIN-787001

7:SMT. KHIRADA BHUYAN
DAUGHTER OF LT HEM KT. BHUYAN
RESIDENT OF VILLAGE- 87/81 GRANT MERBIL POLICE STATION- LALUK
PIN- 784160
POST OFFICE- HARMOTI
DISTRICT- LAKHIMPUR

8:SMT. RUNU BHUYAN
DAUGHTER OF LT. HEM KT. BHUYAN
RESIDENT OF VILLAGE- 87/81 GRANT MERBIL
POLICE STATION- LALUK
POST OFFICE- HARMOTI
DISTRICT- LAKHIMPUR
PIN-784160

9:SMT. DIPAMONI BHUYAN
WIFE OF LT. PADMA BHUYAN
RESIDENT OF VILLAGE- 87/81 GRANT MERBIL
POLICE STATION- LALUK
POST OFFICE- HARMOTI PIN- 784160
DISTRICT- LAKHIMPUR

10:SMT. NIJUMONI BHUYAN
WIFE OF LT. DHANDEDHAR BHUYAN
DAUGHTER OF LT. HEM KT. BHUYAN
RESIDENT OF VILLAGE- 87/81 GRANT MERBIL
POLICE STATION- LALUK
PIN-784160
POST OFFICE- HARMOTI
DISTRICT- LAKHIMPUR

11:CHANDAN JYOTI BHUYAN
SON OF LT. CHANDRA KT. BHUYAN

RESIDENT OF VILLAGE- 87/81 GRANT MERBIL
POLICE STATION- LALUK
POST OFFICE- HARMOTI
PIN- 784160
DISTRICT- LAKHIMPU

Advocate for the Petitioner : MR. P HAZARIKA, N GUPTA,C BORAH,MR. T R SARMA

Advocate for the Respondent : ,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

05.10.2026

Mr. T.R. Sarma, learned counsel is present for the petitioner, namely, Sri Prasanta Kumar Boruah, who has filed this petition under Section 115 of the Code of Civil Procedure, read with Article 227 of the Constitution of India, as the petitioner is aggrieved by the order dated 14.08.2026, passed by the learned District Judge, Lakhimpur, North Lakhimpur in connection with Title Suit (Probate) No. 01/2026.

2. It is submitted on behalf of the petitioner that the petitioner will be highly prejudiced if learned advocate, Nikunja Mohan Phukan and the Notary are not examined as witnesses in connection with the aforementioned case.

3. It is submitted that while mentioning the name of learned Advocate, Nikunja Mohan Phukan, there was an error and based on such minor error, the prayer to examine Nikunja Mohan Phukan was rejected. It is submitted that in the petition, the name of the advocate was typed as "Nikunja Phukan" instead of "Nikunja Mohan Phukan". It is also submitted that the evidence of the Notary as a prosecution witness is necessary in the aforementioned case. It is further

submitted that "Nikunja Mohan Phukan" and "Nikunja Phukan" is the same person.

4. I have considered the submissions on behalf of the petitioner.

5. It appears that in the interest of justice, the witnesses, Nagen Gogoi and Nikunja Mohan Phukan, may be allowed to be summoned and examined as witnesses in Title Suit (Probate) No. 01/2026.

6. In view of the foregoing discussions, the order dated 14.08.2026 is set aside and the petitioner is allowed to examine Advocate Nagen Gogoi and Advocate Nikunja Mohan Phukan as PWs in the aforementioned case.

7. In terms of the above observation, this petition stands disposed of.

JUDGE

Comparing Assistant