

CRP 180/2012
BEFORE
HON'BLE THE CHIEF JUSTICE MR. A.M. SAPRE

Heard Mr. BR Dey, learned counsel for the petitioner and Mr. Sheeladitya, learned counsel for the respondents.

This revision petition is filed by the defendant against the order dated 23.3.2012 passed by the learned Munsiff No.1, Kamrup (M), Guwahati in Title Suit No.197/2000.

After hearing the learned counsel appearing for the parties, I permit the defendant to challenge the impugned order in regular first appeal, if required to be filed and if occasion arises to file an appeal against the judgment and decree to be eventually passed by the Munsiff No.1 in the suit against the defendant.

Since I am granting liberty to the defendant, I do not express any opinion on the merits and demerits of the revision petition at this stage.

In case if the defendant is required to file an appeal, for which occasion may or may not arise, the appellate court will examine the legality and correctness of the entire judgment and decree impugned in the appeal including the order dated 23.3.2012 and then will pass appropriate order in the appeal on merits.

In view of the foregoing discussions and liberty granted, this revision petition stands accordingly disposed of.

The interim stay granted by this Court is accordingly recalled. The Munsiff No.1, Kamrup (M), Guwahati, who is seized of the Title Suit is directed to hear the argument of the parties in the suit and deliver the judgment in accordance with law within one month.

Parties to appear before the Munsiff No.1 on 11.8.2014 and produce a copy of this order to enable him to dispose of the Title suit as directed.

No cost.