

IN THE COURT OF THE DISTRICT JUDGE AT JORHAT

Misc. [J] Case No. 93/2013

Title Appeal No. 2/2007

PRESENT:- Sri Abhijit Bhattacharyya,
District Judge, Jorhat.

30-11-2013

I have heard Mr. Bhaba Goswami, learned counsel appearing on behalf of the petitioner one Sri Hadi Hussain who was the defendant No-2 in the original Title Suit No. 26/1996 as well as respondent No-2 in the present Title Appeal No. 2/2007 at length.

I have also heard Mr. Anirban Das, learned counsel for one Sri Safikul Hussain who was the plaintiff in the original aforesaid Title Suit as well as present appellant at length.

The petitioner Sri Hadi Hussain had filed an application dated 18/05/2013 under Order-41 Rule-27 read with Section 151 of CPC for allowing the petitioner to adduce additional evidence, more particularly, by examining the doctors who issued the medical certificates/prescriptions regarding health status, more particularly, mental health status of the original defendant No-1 Alimuddin Ahmed Hazarika.

In the aforesaid original Title Suit No. 26/1996, Mr. Bhaba Goswami contends that the defendants filed the aforesaid Exhibit Nos. 1, 2, 3, 4 and 5 but however inadvertently the authors of the said medical certificates/prescriptions were not examined and as such the said documents were not duly proved and exhibited during trial though they were marked as Exhibit Nos. 1, 2, 3, 4 and 5. Mr. Bhaba Goswami also contends that the aforesaid omission was not deliberate or intentional and he submits that in order to enable the Court to render judgment of the main Title Appeal No. 2/2007 in a more satisfactory manner the Court should exercise its power and jurisdiction conferred

