

GAHC010204492026



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

Case No. : CRP(IO)/458/2026

AMAN JINDAL AND 2 ORS.
SON OF SRI RAM PRAKASH AGARWAL JINDAL, RESIDENT OF
CHIRWAPATTY ROAD, TINSUKIA TOWN, P.O. AND P.S. AND DISTRICT-
TINSUKIA, ASSAM, PIN- 786125

2: RAHUL JINDAL
SON OF SRI RAM PRAKASH AGARWAL JINDAL
RESIDENT OF CHIRWAPATTY ROAD
TINSUKIA TOWN
P.O. AND P.S. AND DISTRICT- TINSUKIA
ASSAM
PIN- 786125

3: ROHIT JINDAL
SON OF SRI RAM PRAKASH AGARWAL JINDAL
RESIDENT OF CHIRWAPATTY ROAD
TINSUKIA TOWN
P.O. AND P.S. AND DISTRICT- TINSUKIA
ASSAM
PIN- 78612

VERSUS

M/S DAYAL ENTERPRISES AND 3 ORS.
A PARTNERSHIP FIRM OF RESPONDENTS NO. 2, 3 AND 4, SITUATED AT S.R.
LOHIA ROAD, TINSUKIA TOWN, P.O., P.S. AND DISTRICT- TINSUKIA,
ASSAM, PIN- 786125

2:RAJENDRA PRASAD CHOUDHURY
SON OF LATE SATYANARAYAN CHOUDHURY
RESIDENT OF CHALIHA NAGAR
TINSUKIA TOWN
P.O. AND P.S. AND DISTRICT- TINSUKIA
ASSAM

PIN- 786125

3:RAVI CHOUDHURY
SON OF SRI RAJENDRA PRASAD CHOUDHURY
RESIDENT OF CHALIHA NAGAR
TINSUKIA TOWN
P.O. AND P.S. AND DISTRICT- TINSUKIA
ASSAM
PIN- 786125

4:VISHAL CHOUDHURY
SON OF SRI RAJENDRA PRASAD CHOUDHURY
RESIDENT OF CHALIHA NAGAR
TINSUKIA TOWN
P.O. AND P.S. AND DISTRICT- TINSUKIA
ASSAM
PIN- 78612

Advocate for the Petitioner : MR. BHASKAR DUTTA, SENIOR ADVOCATE, MS. F L
MIZO,MR JITENDRA DAS,MR. SAILENDRA DEKA

Advocate for the Respondent : ,

Linked Case : CRP(IO)/465/2026

AMAN JINDAL AND 2 ORS.
SON OF SRI RAM PRAKASH AGARWAL (JINDAL)
RESIDENT OF CHIRWAPATTY ROAD
TINSUKIA TOWN
P.O.
P.S. AND DISTRICT- TINSUKIA
ASSAM
PIN- 786125.

2: RAHUL JINDAL
SON OF SRI RAM PRAKASH AGARWAL (JINDAL)
RESIDENT OF CHIRWAPATTY ROAD
TINSUKIA TOWN
P.O.
P.S. AND DISTRICT- TINSUKIA
ASSAM
PIN- 786125.

3: ROHIT JINDAL
SON OF SRI RAM PRAKASH AGARWAL (JINDAL)
RESIDENT OF CHIRWAPATTY ROAD
TINSUKIA TOWN
P.O.
P.S. AND DISTRICT- TINSUKIA
ASSAM
PIN- 786125.
VERSUS

M/S TRACTOR AUTO AGENCY AND ANR
A.T. ROAD
TINSUKIA TOWN
P.O.
P.S. AND DISTRICT- TINSUKIA
ASSAM.

2:BIJAY KUMAR SARAF
SON OF LATE CHANDMAL SARAF
RESIDENT OF MAKUM ROAD
P.O.
P.S. AND DISTRICT- TINSUKIA
ASSAM

Advocate for : MR. BHASKAR DUTTA
SENIOR ADVOCATE
Advocate for : appearing for M/S TRACTOR AUTO AGENCY AND ANR

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

18.09.2026

Heard Mr. B. Dutta, the learned senior counsel assisted by Mr. S. Deka, the learned counsel appearing for the petitioners.

2. Both the applications under Article 227 of the Constitution of India filed in

respect of T.S. No.37/2015 and T.S. No.61/2016 pending in the court of learned Civil Judge (Jr. Divn.) No.2, Tinsukia.

3. These petitions are filed by a frustrated landlord who filed those suits praying for recovery of vacant possession of 2 numbers of tenanted premises. One suit is pending since the year 2015 and the other suit has been pending since the year 2016.

4. The said two tenanted premises are situated on the ground floor of the building while the upper floors are given on rent to the State Bank of India. At the time of examination of the witnesses of the defendants' side, they filed an application to call for a witness from the State Bank of India, which they wanted to examine as their witness. In this way, the defendants have been taking adjournments till now. On one occasion, for a similar matter, the petitioners being the plaintiffs had to come to this Court for filing the revision petition being CRP(IO) No.176/2025.

5. Mr. Dutta has submitted that the suits of the petitioners are suits between a landlord and the tenant. Mr. Dutta has questioned how officials of the State Bank of India are relevant to that case.

6. Mr. Dutta has relied upon a judgment of the Supreme Court that was delivered in *Mohit Suresh Harchandrai and Ors. v. Hindustan Organic Chemicals Limited*. Paragraph 13 of the said judgment is quoted as under:

“**13.** Before we part with this order, we note with deep concern that from inception to its end, this dispute has been in the domain of the courts for more than two-and-a-half decades. The landlord took steps for termination of tenancy at the turn-of-the-century in 2000, and today, after a quarter of the century has already passed, only now, will they get the monetary fruits of the property that belongs to them. The application for *mesne* profits, as the order of the Small Causes Court itself reflects, took 11 years and more to decide. It is true that in some cases, the delay is squarely attributable to the litigating parties, but it's also equally true that in many cases, the litigants have to wait for years on end for their disputes to be resolved by judicial fora. When it comes to landlord-tenant disputes, there is an angle of being deprived of the enjoyment of the

property and also the monetary benefits that accrue from owning such property. The courts, being the courts of law and justice, are duty-bound to ensure that on their account, no party is made to suffer. In these kinds of disputes delayed adjudication means that both parties bear the brunt. The landlord suffers on account of not receiving, in some cases, the property itself, and in other cases, the monetary dues therefrom; and the tenant suffers on account of being directed to pay large sums of money within a short period of time when the matter is finally decreed. Even though the payment arises out of an obligation, making the requisite arrangements to pay the same is still an arduous task.”

7. I have considered the submissions of Mr. Dutta.

8. I have decided to agree with Mr. Dutta. In the instant dispute between the landlord and the tenant, the employees of the State Bank of India are not relevant. It appears that the respondents are cleverly taking time. Both the cases before the trial court, display a poor state of affairs of our trial courts. The manner in which both the cases are being dealt with by the trial court, is not appreciable.

9. This Court hereby directs that the trial court shall endeavour to expeditiously dispose of both the cases within a period of 6(six) months after receiving the copy of this order.

With the aforesaid directions, the revision petitions are disposed of.

JUDGE

Comparing Assistant