GAHC010253232026

2026:GAU-AS:16725

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

Case No. : CRP/209/2026

SMT SUNITA AGARWAL
W/O MR BIKASH KUMAR GOEL, R/O BG ROAD, P.O AND P.S-SIVASAGAR, DIST. SIVASAGAR, ASSAM , PIN-785640

VERSUS

M/S SREE MAA MULTI KITCHEN AND RESTAURANT
REPRESENTED BY ITS OWNER NAMELY SHRI JIBAMONI KAKOTY, R/O LACHIT NAGAR BUS STOP, NEAR HANUMAN MANDIR, ULUBARI, GHY, PIN 781007, DIST KAMRUP METRO, ASSAM

2:SHRI JIBAMONI KAKOTY
RO LACHIT NAGAR BUS STOP
NEAR HANUMAN MANDIR
ULUBARI
GHY
PIN 781007
DIST KAMRUP M
ASSA

Advocate for the Petitioner : MR M M ZAMAN, MR IRANGLUBE,MR. S CHAMARIA

Advocate for the Respondent : ,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

13.11.2026

Heard Mr. S. Chamaria, the learned counsel appearing for the petitioner.

2. This is an application under Article 227 of the Constitution of India challenging the order dated 30.09.2026 passed by the learned Civil Judge (Sr. Divn.) No.3, Kamrup(M) at Guwahati.

3. The petitioner is the woman plaintiff who filed the suit before the trial court praying for some time to file her evidence on affidavit. She resides at Sivasagar Town. She claimed that she was unwell and unable to travel to Guwahati. The learned trial court disagreed with the petitioner and held that the petitioner failed to file her evidence and accordingly, the suit the suit was dismissed.

4. The petitioner filed the suit for recovery of large amount of money. This Court is of the opinion that she should be given some more opportunities to prosecute the case. This Court also finds that the learned trial court has erroneously oriented itself and dismissed the suit of the petitioner.

5. The impugned order is bad in law and therefore, stands set aside. The suit being M.S. Case No.33/2023 shall be restored to file. The petitioner shall be given adequate opportunities to file her evidence on record.

With the aforesaid direction, the present revision petition is disposed of.

JUDGE

Comparing Assistant