

GAHC010006552023



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

Case No. : I.A.(Civil)/2111/2024

SUPARNA BAGCHI (GANGULY) AND ANR
D/O LATE SHYAMAL CH BAGCHI
W/O SRI SAIBAL GANGULY
RESIDENT OF C/O HARISHPUR TEA CO. PVT. LTD CHOWKIDINGHEE
MANCOTTA ROAD
P.O. P.S. AND DISTRICT DIBRUGARH
ASSAM

2: SMT. SUMONA BAGCHI
D/O LATE SHYAMAL CH BAGCHI
W/O MONDEEP BHATTACHARYA
RESIDENT OF C/O HARISHPUR TEA CO. PVT. LTD CHOWKIDINGHEE
MANCOTTA ROAD
P.O. P.S. AND DISTRICT DIBRUGARH
ASSAM
VERSUS

ASLAM HAKIM AND 2 ORS.
S/O LATE DR. ABDUL HAKIM R/O GOOD STREET
OPP . TO. S.P. OFFICE
P.O.
P.S. AND DISTRICT DIBRUGARH
ASSAM

2:DR. FAUZIA SHIREEN HAKIM
D/O LATE DR. ABDUL HAKIM R/O GOOD STREET
OPP . TO. S.P. OFFICE
P.O.
P.S. AND DISTRICT DIBRUGARH
ASSAM

3:MD. SARIFUL HAKIM
S/O LATE DR. ABDUL HAKIM R/O GOOD STREET
OPP . TO. S.P. OFFICE

P.O.
P.S. AND DISTRICT DIBRUGARH
ASSAM

Advocate for : MR D MAZUMDER

Advocate for : MRS S A CHOUDHURY appearing for ASLAM HAKIM AND 2 ORS.

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 16.09.2024

- 1.** Heard Mr. D. Mazumder, learned senior counsel assisted by Mr. G. R. Dutta, learned counsel for the applicants. Also heard Mr. I. Rafique, learned counsel for the respondents.
- 2.** This interlocutory application has been filed under Order- XLI Rule- 5 of the Code of Civil Procedure, 1908, praying for suspension of the execution of the impugned judgment and decree dated 04.08.2018 passed by the learned First Appellate Court in Title Appeal No. 10/2014.
- 3.** The applicant herein has filed a connected Regular Second Appeal which has been registered as RSA No. 126/2024.
- 4.** I have heard the learned counsel for the parties.
- 5.** The learned counsel for the respondents has also submitted that no execution case has yet been filed by any of the parties.
- 6.** As Mr. Rafique, learned counsel has appeared for the opposite parties, no formal notice need to be issued to the respondents.
- 7.** This Court is of considered opinion that as presently no execution case has been filed, however, considering the nature of order passed by the learned First Appellate Court at paragraph No. (B) of the order passed in the impugned

judgment where the concerned Circle Officer was directed to identify the path of 286 ft. X 13 ft. with the excess land indicated in the impugned judgment, the execution of the direction passed by the First Appellate Court in paragraph No. (B) of the order in connection with the impugned judgment is hereby stayed till the pendency of the connected Regular Second Appeal.

8. With the above observation, this interlocutory application is disposed of.

JUDGE

Comparing Assistant