

GAHC010008732024



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

Case No. :

Case : I.A.(Civil)/2587/2024

NOOR ISLAM
S/O LATE JAINUDDIN
RESIDENT OF VILLAGE GOTLONG
PO KALIABHOMORA
MOUZA BHAIRABPAD
PS TEZPUR
DIST. SONITPUR
ASSAM
784027

VERSUS

ISUB ALI AND ANR.
S/O LATE JAINUDDIN
RESIDENT OF VILLAGE GOTLONG
PO KALIABHOMORA
MOUZA BHAIRABPAD
PS TEZPUR
DIST. SONITPUR
ASSAM
784027

2:MD. SHAIRAB ALI
S/O LATE JAINUDDIN
RESIDENT OF VILLAGE GOTLONG
PO KALIABHOMORA
MOUZA BHAIRABPAD
PS TEZPUR
DIST. SONITPUR
ASSAM
784027

Advocate for : MR. P MAHANTA
Advocate for : appearing for ISUB ALI AND ANR.

In

RSA/159/2024

NOOR ISLAM
S/O LATE JAINUDDIN, RESIDENT OF VILLAGE GOTLONG,
PO KALIABHOMORA, MOUZA BHAIRABPAD, PS TEZPUR,
DIST. SONITPUR, ASSAM, 784027

VERSUS

ISUB ALI AND ANR.
S/O LATE JAINUDDIN, RESIDENT OF VILLAGE GOTLONG,
PO KALIABHOMORA, MOUZA BHAIRABPAD, PS TEZPUR,
DIST. SONITPUR, ASSAM, 784027

2:MD. SHAIRAB ALI
S/O LATE JAINUDDIN
RESIDENT OF VILLAGE GOTLONG
PO KALIABHOMORA
MOUZA BHAIRABPAD
PS TEZPUR
DIST. SONITPUR
ASSAM
78402

Advocate for the Petitioner : MR. P MAHANTA, C SARMA,V
KHAKHALARY,MS. P SAHARIA

Advocate for the Respondent : MR. P SUNDI,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

30.09.2024

1. Heard Mr. P. Mahanta, learned counsel for the applicant. Also heard Mr.

P. Sundi, learned counsel appearing for opposite parties/respondents.

2. This application under Order XLI Rule 5 of the Code of Civil Procedure, 1908 has been filed for staying the execution of the impugned judgment dated 25.08.2023, passed in Title Appeal No. 14/2022, by the learned Civil Judge, Senior Division, Sonitpur, Tezpur.

3. I have heard the learned counsel for both the sides.

4. The applicant has impugned the aforesaid judgment by filing a connected regular second appeal, which has been registered as RSA No. 159/2024.

5. In the said appeal substantial question(s) of law has been formulated and same has been admitted and notices are issued to the parties and records are also called for.

6. In view of the above, the further proceeding of Title Execution Case No. 05/2024, pending before the Court of learned Civil Judge, Junior Division No. 1, Sonitpur, Tezpur shall remain stayed, till the pendency of the connected second appeal.

7. This Interlocutory Application is accordingly disposed of.

JUDGE

Comparing Assistant