

GAHC010010482013



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

Case No. : CRP/321/2013

MD. HASEN ALI
S/O- LT. YAAD ALI, R/O VILL.- BANTO BANGALI, MOUZA- LAKHIMPUR,
P.S. and DIST.- LAKHIMPUR, ASSAM.

VERSUS

SMTI SASHI BORA and 3 ORS
W/O- SHRI KHAGEN BORA

2:KHAGEN BORA
S/O- LT. GOLAP BORA
BOTH ARE R/O VILL.- JAPISAJIA
P.O. and P.S.- NORTH LAKHIMPUR
DIST.- LAKHIMPUR
ASSAM
PIN-

3:NUR MOHAMMAD
S/O- LT. AZITULLAH.

4:JALAL UDDIN
S/O- LT. ALIMUDDIN
BOTH ARE R/O VILL.- BANTO BANGALI
MOUZA- LAKHIMPUR
P.S. and DIST.- LAKHIMPUR
ASSAM

Advocate for the petitioner(s): Ms. R Choudhury

Advocate for the respondent(s): Mr. KK Phukan
Mr. GG Gogoi

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

13.05.2024

This is an application under Section 115 of the Code of Civil Procedure, 1908 (for short, the Code) assailing the judgment and order dated 31.07.2013 whereby the suit filed by the plaintiff under Section 6 of the Specific Relief Act, 1963 for recovery of khas possession and permanent injunction was dismissed.

2. This Court has duly perused the impugned judgment and order and from a perusal of the said judgment, it reveals that the learned Trial Court had duly taken note of the evidence on record and had come to a categorical finding that the plaintiff could not show that the plaintiff was in possession of the suit land. Consequently, this Court has also perused the records, from which this Court does not find that the learned Trial Court had committed any jurisdictional error in dismissing the suit. Accordingly, the instant petition stands dismissed by confirming the judgment and decree dated 31.07.2013 passed in Title Suit No.27/2011.

3. Before concluding, this Court makes it clear that the impugned judgment and the instant order shall not preclude the plaintiff to avail other remedies, if permitted by law.

4. The revision petition stands dismissed.

5. Registry shall return the LCR forthwith.

JUDGE

Comparing Assistant