

GAHC010038942024



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

Case No. : CRP(IO)/81/2024

SAYED AHMED @ SAHID AHMED
S/O LATE ANJAB ALI
RESIDENT OF VILLAGE HOJAI COLLEGE ROAD, PO, PS AND DIST HOJAI,
ASSAM 782435

VERSUS

SALEHA BEGUM AND 3 ORS
W/O LATE ALA UDDIN
RESIDENT OF VILLAGE ROHINI PATHER, WARD NO. 10, MOUZA
KAPASHBARI, PS MURAJHAR, DIST HOJAI, ASSAM 782439

2:JYSTNA BEGUM
D/O LATE ALA UDDIN
RESIDENT OF VILLAGE ROHINI PATHER
WARD NO. 10
MOUZA KAPASHBARI
PS MURAJHAR
DIST HOJAI
ASSAM 782439

3:HASINA BEUM
D/O LATE ALA UDDIN
RESIDENT OF VILLAGE ROHINI PATHER
WARD NO. 10
MOUZA KAPASHBARI
PS MURAJHAR
DIST HOJAI
ASSAM 782439

4:IMRAN HUSSAIN
S/O LATE ALA UDDIN

RESIDENT OF VILLAGE ROHINI PATHER
WARD NO. 10
MOUZA KAPASHBARI
PS MURAJHAR
DIST HOJAI
ASSAM 78243

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

26.02.2024

Heard Mr. R Ali, learned counsel for the petitioner.

This is an application under Article 227 of the Constitution of India challenging the order dated 08.02.2024 passed by the learned Civil Judge (Junior Division), Sankardev Nagar, Hojai in Misc. (J) Case No. 20/2024 arising out of T.S. No. 156/2022.

The petitioner is the defendant before the trial court in TS No. 156/2022. The plaintiff filed an injunction petition registered as Misc.(J) Case No. 25/2023, which is still pending and posted for hearing on 30.04.2024.

But, in the meantime, the plaintiff filed another petition which was registered as Misc.(J) Case No. 20/2024. In that petition, the trial court directed the parties to maintain status quo in respect of the suit land without issuing notice to the defendant/petitioner.

Being aggrieved by the aforesaid order of status quo, the present revision petition has been filed.

I have considered the submission made by the learned counsel for the petitioner.

Since Misc.(J) Case No. 25/2023 is pending for hearing, the trial court should not have passed the impugned order in Misc. (J) Case No. 20/2024. Therefore, the impugned order asking the parties to maintain the status quo is set aside. The trial court is directed to hear the both sides in Misc. (J) Case No. 25/2023 first and thereafter, the court below shall proceed to dispose of the case in accordance with law.

The revision petition is disposed of.

JUDGE

Comparing Assistant