

GAHC010043252024



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

Case No. : FAO/16/2024

DIPTI MEDHI AND 2 ORS
W/O LATE DHARMARAM MEDHI
RESIDENT OF VILLAGE KAMALAJARI, PO KAMALAJARI, DIST KAMRUP M
ASSAM 782402

2: MR. RINTU MEDHI
S/O LATE DHARMARAM MEDHI
RESIDENT OF VILLAGE KAMALAJARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

3: JYOTISMITA MEDHI
D/O LATE DHARMARAM MEDHI
RESIDENT OF VILLAGE KAMALAJARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 78240

VERSUS

BHAGEN MEDHI AND 21 ORS
S/O LATE ANANTA MEDHI,
RESIDENT OF VILLAGE KAMALAJARI, PO KAMALAJARI, DIST KAMRUP M
ASSAM 782402

2:KAMALA MEDHI
S/O LATE ANANTA MEDHI

RESIDENT OF VILLAGE KAMALAJARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

3:AMIYA KUMAR MEDHI
S/O LATE KARUNA KANTA MEDHI.
RESIDENT OF VILLAGE KAMALAJARI

PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

4:APURBA MEDHI
S/O LATE KARUNA KANTA MEDHI.
RESIDENT OF VILLAGE KAMALAJARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

5:RAJIB MEDHI
S/O LATE KARUNA KANTA MEDHI.
RESIDENT OF VILLAGE KAMALAJARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

6:BHABANI MOHAN MEDHI
S/O LATE KARUNA KANTA MEDHI.
RESIDENT OF VILLAGE KAMALAJARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

7:LABANYA MEDHI
D/O LATE KARUNA KANTA MEDHI.
RESIDENT OF VILLAGE KAMALAJARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

8:ARCHANA MEDHI
D/O LATE KARUNA KANTA MEDHI.
RESIDENT OF VILLAGE KAMALAJARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

9:BHUMIDHAR MEDHI
S/O LATE MAHIMA MEDHI

RESIDENT OF VILLAGE KAMALAJARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

10:BHUMIDHAR MEDHI
S/O LATE MAHIMA MEDHI
RESIDENT OF VILLAGE KAMALAJARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

11:KANTHA MEDHI
S/O LATE MAHIMA MEDHI.

RESIDENT OF VILLAGE KAMALAJARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

12:PRAMESWAR MEDHI
S/O LATE MAHIMA MEDHI.
RESIDENT OF VILLAGE KAMALAJARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

13:PRABIN DEKA
S/O LATE KUMOI DEKA
RESIDENT OF VILLAGE JUGUBARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

14:NAGEN DEKA
S/O LATE KUMOI DEKA
RESIDENT OF VILLAGE JUGUBARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

15:BIREN DEKA
S/O LATE KUMOI DEKA
RESIDENT OF VILLAGE JUGUBARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

16:MAHEN DEKA
S/O LATE KUMOI DEKA
RESIDENT OF VILLAGE JUGUBARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

17:GIRISH DEKA
S/O LATE KUNTI DEKA
RESIDENT OF VILLAGE JUGUBARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

18:SHISHURAM DEKA
S/O LATE KUNTI DEKA
RESIDENT OF VILLAGE JUGUBARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

19:MAKANI DEKA
D/O LATE KUNTI DEKA

RESIDENT OF VILLAGE JUGUBARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

20:DEEPIKA DEKA
D/O LATE KUNTI DEKA
RESIDENT OF VILLAGE JUGUBARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

21:SUNUKA DEKA
D/O LATE KUNTI DEKA
RESIDENT OF VILLAGE JUGUBARI
PO KAMALAJARI
DIST KAMRUP M ASSAM 782402

22:HARESWARI DEKA
D/O LATE GHANA KANTA MEDHI

RESIDENT OF VILLAGE MANAHA
PO MANAHA
DIST MORIGAON
ASSAM 78241

Advocate for the Petitioner : MR. S CHAMARIA

Advocate for the Respondent : MR. ANANTA RAM MEDHI (r-1 to 7,8,9,10,12 to 22)

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

22.03.2024

The instant appeal is directed against the order dated 25.01.2024 passed by the Court of the learned Civil Judge No.3 Kamrup (M) at Guwahati, whereby the learned Trial Court did not grant an ex-parte ad interim injunction and rather issued notice. It has been brought to the attention of this Court that in the said

suit, the parties have duly appeared. It has also been mentioned by the learned counsels for both the parties, who are present before this Court that the learned Trial Court has fixed the said injunction proceedings along with the suit on 28.05.2024.

2. This Court vide order dated 07.03.2024 had granted a limited injunction to the effect that the defendants shall not alienate the suit property. It was also made clear by this Court that the said injunction order is only limited to alienation by the defendants and nothing further.

3. This Court further finds it very relevant to take note of that the injunction proceedings are pending before the learned Trial Court and all the parties are duly represented. Under such circumstances, to continue a parallel proceeding before this Court would not be in the interest of justice.

4. This Court is also mindful of the fact that an injunction order is operating against the respondents herein, who are the defendants, in view of the order passed by this Court on 07.03.2024. Accordingly, though the learned Trial Court had fixed the injunction proceedings on 28.05.2024, this Court directs the learned Trial Court to prepone the said injunction proceedings being Misc.(J) Case No.70/2024 to 08.04.2024.

5. The injunction order which was passed by this Court on 07.03.2024 shall continue till the disposal of the said injunction proceedings being Misc.(J)Case No.70/2024.

6. This Court requests the learned Trial Court to dispose of the said injunction proceedings at the earliest and preferably, within 30 (thirty) from the date so fixed before the Trial Court. This Court observes that the learned Trial Court shall decide the injunction application without being influenced by the fact that

this Court passed the order dated 07.03.2024.

7. The parties who are duly represented before this Court are directed to appear before the learned Trial Court on 08.04.2024 and produce a certified copy of the instant order. The defendants who are respondents herein would at liberty to file their objections on or before 08.04.2024.

8. With the above, the instant appeal stands disposed of.

JUDGE

Comparing Assistant