

GAHC010056432024



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

Case No. : I.A.(Civil)/867/2024

NURUN BEGUM @ MUSTT. NURUN NESSA AND ANR
W/O- PARESH NATH, D/O- LATE ARJAN ALI, VILL.- PARBATI NAGAR, P.O.
AND P.S. TEZPUR, MOUZA BHAIRABPAD, DIST.- SONITPUR, PIN- 784001,
ASSAM.

2: MUSSTT. NAJIBAN NESSA
D/O- LATE ARJAN ALI
W/O- MD. JABBAR
VILL.-BESSERIA MUSLIM GAON
MOUZA BHAIRABPAD
P.O. BESSERIA
P.S. TEZPUR
DIST.- SONITPUR
ASSAM
PIN- 784150

VERSUS

ON THE DEATH OF NAZIR ALI HIS LEGAL HEIRS MARJINA BEGUM AND 3
ORS.
W/O- LATE NAZIR ALI, R/O- VILL.- SOPORA CHUBURI, BESSERIA MUSLIM
GAON, MOUZA. BHAIRABPAD, P.O. BESSERIA, P.S. TEZPUR, DIST.-
SONITPUR, ASSAM, PIN- 784150.

2:MEHERUN BEGUM
W/O- LATE NAZIR ALI
R/O- VILL.- SOPORA CHUBURI
BESSERIA MUSLIM GAON
MOUZA. BHAIRABPAD
P.O. BESSERIA
P.S. TEZPUR
DIST.- SONITPUR
ASSAM
PIN- 784150.

3:NAZMUL HUSSAIN
S/O- LATE NAZIR ALI
R/O- VILL.- SOPORA CHUBURI
BESSERIA MUSLIM GAON
MOUZA. BHAIRABPAD
P.O. BESSERIA
P.S. TEZPUR
DIST.- SONITPUR
ASSAM
PIN- 784150.

4:MUSST. MAZIDA ALI
D/O- MAHAR ALI
R/O- VILL.- SOPORA CHUBURI
BESSERIA MUSLIM GAON
MOUZA. BHAIRABPAD
P.O. BESSERIA
P.S. TEZPUR
DIST.- SONITPUR
ASSAM
PIN- 784150

For the Applicant(s) : Mrs. R. Choudhury, Advocate
For the Respondent(s) : Mr. S. Sahu, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 08.05.2024

1. This is an application under Order XXXIX Rule 2A read with Section 151 of the Code of Civil Procedure, 1908 alleging violation of the order dated 04.08.2023 passed in I.A.(Civil) No.238/2021 whereby this Court had directed that till the next date of listing, both the sides shall maintain status quo in respect to the suit land. It was further clarified that no construction activity shall be carried out by any of the parties. The said interim order was extended vide

an order dated 11.10.2023 till 16.10.2023.

2. This Court had duly taken note of that there is no mention in the said application as to when the construction was carried out. The record further reveals that there is no extension of the interim order from 16.10.2023 to 08.04.2024 and thereupon on 08.04.2024, the interim order was extended. However, the instant application was filed on the basis of an affidavit filed on 13.03.2024. Under such circumstances, this Court is of the opinion that the allegations so made in the instant application do not constitute violation to the order dated 04.08.2023 inasmuch as the said order was not extended beyond 16.10.2023 and there is no allegation made in the application that the construction was carried out prior to 16.10.2023.

3. Accordingly, the instant Interlocutory Application stands rejected.

JUDGE

Comparing Assistant