

GAHC010077792022



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

Case No. : CRP(IO)/94/2022

MD SOMED ALI AND 4 ORS
S/O LATE AHMED ALI, R/O VILL-KHORAGHAT, P.O.-BARKANDA, P.S.-
BAGRIBARI, DIST-KOKRAJHAR, BTAD (ASSAM), PIN-783348

2: MD. KURBAN ALI
S/O LATE AHMED ALI
R/O VILL-KHORAGHAT
P.O.-BARKANDA
P.S.-BAGRIBARI
DIST-KOKRAJHAR
BTAD (ASSAM)
PIN-783348

3: MD. AWAL SK
S/O SOMED ALI
R/O VILL-KHORAGHAT
P.O.-BARKANDA
P.S.-BAGRIBARI
DIST-KOKRAJHAR
BTAD (ASSAM)
PIN-783348

4: MD. ISMAIL SK
S/O SOMED ALI
R/O VILL-KHORAGHAT
P.O.-BARKANDA
P.S.-BAGRIBARI
DIST-KOKRAJHAR
BTAD (ASSAM)
PIN-783348

5: MD OSMAN ALI
S/O LATE SURMAN ALI
R/O VILL-KHAMAR

P.O.-BARKANDA
P.S.-BAGRIBARI
DIST-KOKRAJHAR
BTAD (ASSAM)
PIN-78334

VERSUS

ASAN ALI AND 6 ORS
S/O LATE SAMSER ALI SK, R/O VILL-BOROBHITA, P.O.-DEBITOLA, P.S.-
KAZIGAON, DIST-KOKRAJHAR, BTAD (ASSAM), PIN-783339

2:ARFAN ALI
S/O LATE SAMSER ALI SK
R/O VILL-BOROBHITA
P.O.-DEBITOLA
P.S.-KAZIGAON
DIST-KOKRAJHAR
BTAD (ASSAM)
PIN-783339

3:ASMOT ALI
S/O LATE SAMSER ALI SK
R/O VILL-BOROBHITA
P.O.-DEBITOLA
P.S.-KAZIGAON
DIST-KOKRAJHAR
BTAD (ASSAM)
PIN-783339

4:AZIZUR RAHMAN
S/O LATE HATEM ALI
R/O VILL-BOROBHITA
P.O.-DEBITOLA
P.S.-KAZIGAON
DIST-KOKRAJHAR
BTAD (ASSAM)
PIN-783339

5:MAYZA BEWA
W/O LATE HATEM ALI
R/O VILL-BOROBHITA
P.O.-DEBITOLA
P.S.-KAZIGAON
DIST-KOKRAJHAR
BTAD (ASSAM)
PIN-783339

6:SABIRAN BEWA
W/O SUKUR ALI
R/O VILL-BOROBHITA
P.O.-DEBITOLA
P.S.-KAZIGAON
DIST-KOKRAJHAR
BTAD (ASSAM)
PIN-783339

7:SABIYA BEWA
W/O SUKUR ALI
R/O VILL-BOROBHITA
P.O.-DEBITOLA
P.S.-KAZIGAON
DIST-KOKRAJHAR
BTAD (ASSAM)
PIN-78333

For the Petitioner(s) : Ms. A. Rashid, Advocate

For the Respondent(s) : Mr. A. Iqbal, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 04.03.2024

1. The instant application under Article 227 of the Constitution has been filed challenging the orders dated 18.01.2020 as well as 07.03.2022 passed in Title Suit No.22/2014.
2. From a perusal of the instant proceedings, it transpires that the Respondents herein as plaintiffs had instituted the suit being Title Suit No.22/2014. Pursuant to the filing of the said suit, the Petitioners herein who were the defendants filed the joint written statement. The evidence of the plaintiffs was duly completed and thereupon the defendants adduced evidence. At the time of filing the evidence on affidavit, the defendants sought for leave to

bring on record a Sale Deed bearing Deed No.6471/1960 dated 07.11.1960 in terms with the Order VIII Rule 1A(3). The said leave was rejected vide the impugned order dated 18.01.2020.

3. Subsequent thereto, a review application was filed seeking the review of the order dated 18.01.2020. This review application was rejected vide order dated 07.03.2022 and under such circumstances, the Petitioner has approached this Court under Article 227 of the Constitution.

3. While hearing the matter, this Court had put a specific query upon the learned counsel appearing on behalf of the Petitioners as to whether there is any mention whatsoever in respect of the Deed of Sale bearing Deed No.6471/1960 dated 07.11.1960 in the pleadings of the defendants. The learned counsel for the Petitioners with all his fairness submitted that there is no mention in the written statement about the said document. It is well settled that there can be no evidence beyond pleadings.

4. Taking into account the above, it is the opinion of this Court that the orders dated 18.01.2020 as well as the order dated 07.03.2022 requires no interference more so in a proceedings under Article 227 of the Constitution. Accordingly, the instant proceedings stands dismissed.

5. Before parting with the records, this Court however observes that the dismissal of the instant proceedings shall not preclude the Petitioners to avail such proceedings, if so otherwise permissible under law.

JUDGE

Comparing Assistant