

GAHC010079332021



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

Case No. : SAO/4/2021

MD. SAIFUDDIN SAIKIA
S/O LT. MAMTAJ ALI, R/O VILL. NAGAON, MOUZA KARARA, P.O. BAIHATA
CHARIALI, DIST. KAMRUP ASSAM, PIN-781121

VERSUS

RAJUBALA BAISHYA AND 3 ORS
W/O LT. LOKNATH BAISHYA, R/O VILL. NAGAON, MOUZA-KARARA, P.O.
BAIHATA CHARIALI, DIST. KAMRUP ASSAM, PIN-781121

2:GIYAZ UDDIN AHMED
CLERK AT RANGIA SUB DIVISION COURT P.S. RANGIA DIST. KAMRUP
ASSAM
PIN-781354

3:HEMPROBHA BAISHYA
W/O LT. GOBINDA BAISHYA
R/O VILL. NAGAON
MOUZA KARARA
P.O. BAIHATA CHARIALI
DIST. KAMRUP ASSAM
PIN-781121

4:MOJAMIL HOQUE
S/O LT. NUMSER ALI
R/O VILL. SIMULABARI
P.O. BAIHATA CHARIALI
DIST KAMRUP
ASSAM
PIN-78138

For the appellant (s) : Mr. A. C. Sarma, Advocate

For the respondent (s) : Mr. G. Das, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

02.05.2024

The instant Appeal is filed against the order dated 06.02.2021 passed by the learned Court of the Civil Judge, Kamrup at Rangia in Misc. Appeal No.7/2017 whereby the Appeal filed under Order XLIII Rule 1 (c) read with Section 104 of the Code of Civil Procedure, 1908 (for short, 'the Code') was allowed.

2. This Court duly takes note of that there cannot be a Second Appeal against an appellate order in view of the categorical stipulation in Section 104 read with Order XLIII of the Code. Under such circumstances, the instant Appeal is not maintainable for which the same stands dismissed.

3. Taking into account that both the parties are duly represented, the parties are directed to appear before the learned Trial Court on 01.07.2024 for further proceedings of the suit.

4. The Registry shall take appropriate steps for transmission of the records so that the records are received by the learned Trial Court prior to the date so fixed, i.e. on 01.07.2024.

JUDGE

Comparing Assistant