

GAHC010082192024



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

I.A.(Civil)/1727/2024

TEA BROKERS (GUWAHATI) PVT LTD AND ANR
A COMPANY REGISTERED UNDER THE COMPANIES ACT 1956
REPRESENTED BY ITS DIRECTOR HAVING ITS REGISTERED OFFICE AT
SURAJ NAGAR
SIX MILE
KHANAPARA
GUWAHATI 781022
DIST KAMRUP M ASSAM

2: SHRI DIPANKAR BARUAH
S/O SRI SUDHIN CHANDRA BARUAH

DIRECTOR TEA BROKER (GUWAHATI) PVT. LTD. SURAJ NAGAR
SIX MILE
KHANAPARA
GUWAHATI 781022
DIST KAMRUP M ASSAM
VERSUS

JAHNAVI BARUAH
W/O SRI DEEPANKAR BARUAH
RESIDENT OF HOUSE NO. 10
RAJGARH
BYE LANE NO. 6
GUWAHATI 781003
DIST KAMRUP M ASSAM

Advocate for : MR. N DEKA
Advocate for : appearing for JAHNAVI BARUAH

Advocate for the applicant(s): Mr. N. Deka, Mr. M. Gogoi

Advocate for the respondent(s):

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 19.06.2024

This is an application filed under Order XLI Rule 5 the Code of Civil Procedure, 1908 the stay of the execution of the judgment and decree dated 29.01.2024 passed by the Court of Civil Judge No.1 Kamrup (Metro) at Guwahati in M.A No. 02/2011.

2. This court vide an order dated 19.06.2024 passed in the accompanying appeal i.e. RSA No. 94/2024 had already admitted the appeal by formulating a substantial question of law.

3. Taking into account that if Article 19 or Article 21 of the Schedule to the Limitation Act, 1963 is applicable, the suit would be barred by the limitation, this court is of the opinion that the interest of justice would be served if the judgment and decree dated 29.01.2024 passed by the Court of Civil Judge No.1, Kamrup (M) at Guwahati in MA. No. 02/2011 is stayed till the disposal of the instant appeal.

4. Accordingly, the judgment and decree dated 29.01.2024 passed by the Court of learned Civil Judge No.1 kamrup (M) at Guwahati in M.A No. 02/2011 is stayed till the disposal of the instant appeal.

5. I.A stands disposed allowed.

JUDGE

Comparing Assistant