

GAHC010089932024



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

I.A.(Civil)/1326/2024

RADHESHYAM GOWALA @ YADAV
S/O LATE GHASIRAM GOWALA

RESIDENT OF VILLAGE NAMBUR LALUNG GAON
PO KATHIATOLI
PS KAMPUR DIST NAGAON
ASSAM 782427

VERSUS

JADURAM LEKHARU
S/O LATE UMESH LEKHARU
RESIDENT OF KOTHALGURI GAON
PO KATHIATOLI
PS KAMPUR
DIST NAGAON
ASSAM 782427

Advocate for the applicant(s): Mr. AR Shome

Advocate for the respondent(s): X X

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

10.05.2024

Heard Mr. AR Shome, the learned counsel appearing on behalf of the applicant.

2. This is an application under Order XLI Rule 5 of the Code of Civil Procedure, 1908 (for short, the Code) for stay of the Execution Case No.06/2020 which has been filed pursuant to the judgment and decree passed by the learned Trial Court dated 17.12.2019 in Title Suit No.199/2012.

3. Mr. AR Shome, the learned counsel appearing on behalf of the appellant/applicant submitted that if the execution proceedings are not stayed, the loss which will be occasioned to the applicant would be paramount and the same cannot be later on substituted by any decree of the Court.

4. This Court having also taken note of that the appeal had been admitted by formulating the substantial questions of law is of the opinion that the Title Execution No.6/2020 is required to be stayed.

5. Accordingly, the Title Execution No.6/2020 pending in the Court of the learned Munsiff No.1 Nagaon shall remain stayed till the disposal of the appeal.

6. Interlocutory application, accordingly, stands disposed of.

JUDGE

Comparing Assistant