

GAHC010090592022



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

Case No. : CRP/55/2022

MANIRUZ ZAMAN @ MONIRUL
S/O- LATE SAKWAT ALI, R/O- VILL.- CHOKAPARA, P.O. LAKHIGANJ, P.S.
BILASIPARA, DIST. DHUBRI, ASSAM

VERSUS

MOZIBAR RAHMAN AND 4 ORS.
S/O- LATE RAHMAN ALI, VILL.- CHINAMARI, P.O. LAKHIGANJ, P.S.
BILASIPARA, DIST. DHUBRI, ASSAM

2:MOZNU AHMED
S/O- LATE RAHMAN ALI
VILL.- CHINAMARI
P.O. LAKHIGANJ
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

3:THE D.F.O.
DHUBRI
P.O.
P.S. AND DIST. DHUBRI
ASSAM

4:THE STATE OF ASSAM
REPRESENTED BY THE COLLECTOR
DHUBRI
P.O.
P.S AND DIST. DHUBRI
ASSAM

5:MD. NAUSHAD ALI

S/O- LATE HARUN SK.
R/O- VILL.- GHAILAGURI
P.O. KAKRAGAON
P.S. BIDYAPUR
DIST. BONGAIGAON
ASSA

Advocate for the Petitioner : MR E HUSSAIN

Advocate for the Respondent : MR. M U MONDAL (R-1,2)

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

20.03.2024

This is an application under Article 227 of the Constitution challenging the order dated 07.04.2022 passed in Misc.(J) Case No.10/2021 arising out of Title Suit No.5/2022.

2. The order which has been challenged in the instant proceeding is an order passed in a proceeding under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 (for short, the Code). Under such circumstances, an Appeal lies under Order XLIII Rule 1 (r) read with Section 104 of the Code.

3. In view of the well settled principles of law, the jurisdiction under Article 227 of the Constitution of India cannot be exercised. Consequently, the instant revision petition stands dismissed.

JUDGE

Comparing Assistant