

GAHC010090872024



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

Case No. : FAO/33/2024

MANASHI DUTTA
W/O DR. NILUTPAL SUT,
R/O KIRON HOUSING COMPLEX, FLAT NO. H-6, KAMAKHYA NAGAR,
GUWAHATI, P.O.- PANDU, P.S.- JALUKBARI, DIST.- KAMRUP (M), ASSAM,
PIN- 781012.

VERSUS

PABAN KR. JAIN AND 8 ORS.
S/O LATE SOHAN LAL JAIN,
R/O NAHARLAGUN, P.O.- NAHARLAGUN, P.S.- NAHARLAGUN, DIST.-
PAPUMPARE, STATE- ARUNACHAL PRADESH, INDIA.

2:PADAM CHAND JAIN
S/O BHABAR LAL JAIN

R/O NAHARLAGUN
P.O.- NAHARLAGUN
P.S.- NAHARLAGUN
DIST.- PAPUMPARE
STATE- ARUNACHAL PRADESH
INDIA.

3:SIMA PAL
W/O CHIRANJIT PAL

R/O SARUSAJAI
GUWAHATI
P.O.- SAUKUCHI
P.S.- BASISTHA
DIST.- KAMRUP (M)
ASSAM.

4:SUSHIL CH. DAS
S/O LALJI DAS

R/O SARUSAJAI
GUWAHATI
P.O.- SAUKUCHI
P.S.- BASISTHA
DIST.- KAMRUP (M)
ASSAM.

5:LALIT KUMAR JAIN
S/O LATE PADAM PRASAD JAIN

R/O NAHARLAGUN
P.O.- NAHARLAGUN
P.S.- NAHARLAGUN
DIST.- PAPUMPARE
STATE- ARUNACHAL PRADESH
INDIA.

6:BINAY KUMAR BASU
S/O JITEN KUMAR BASU

R/O SARUSAJAI
GUWAHATI
P.O.- SAUKUCHI
P.S.- BASISTHA
DIST.- KAMRUP (M)
ASSAM.

7:ARIBAM HEMANTA SHARMA
S/O SRI ARIBAM NIDHUBON SHARMA

R/O M.G. AVENUE
P.O.- IMPHAL
P.S.- IMPHAL
DIST.- IMPHAL
MANIPUR
INDIA.

8:NINGTHOUJAM DHINEL SINGH
S/O N. GOURAKISHOR SINGH

R/O M.G. AVENUE
P.O.- IMPHAL
P.S.- IMPHAL
DIST.- IMPHAL

MANIPUR
INDIA.

9:ANGOM BOBBY SINGH
S/O A. KUMAR SINGH

R/O LALAMBUNG MAKHONG TAKHELLAMBAM
LEIKAI
IMPHAL
P.S.- IMPHAL
DIST.- IMPHAL
MANIPUR
INDIA

Linked Case : I.A.(Civil)/1380/2024

MANASHI DUTTA
W/O DR. NILUTPAL SUT
R/O KIRON HOUSING COMPLEX
FLAT NO. H-6
KAMAKHYA NAGAR
GUWAHATI
P.O.- PANDU
P.S.- JALUKBARI
DIST.- KAMRUP (M)
ASSAM
PIN- 781012.

VERSUS

PABAN KR. JAIN AND 8 ORS.
S/O LATE SOHAN LAL JAIN
R/O NAHARLAGUN
P.O.- NAHARLAGUN
P.S.- NAHARLAGUN
DIST.- PAPUMPARE
STATE- ARUNACHAL PRADESH
INDIA.

2:PADAM CHAND JAIN
S/O BHABAR LAL JAIN

R/O NAHARLAGUN
P.O.- NAHARLAGUN
P.S.- NAHARLAGUN
DIST.- PAPUMPARE

STATE- ARUNACHAL PRADESH
INDIA.
3:SIMA PAL
W/O CHIRANJIT PAL

R/O SARUSAJAI
GUWAHATI
P.O.- SAUKUCHI
P.S.- BASISTHA
DIST.- KAMRUP (M)
ASSAM.
4:SUSHIL CH. DAS
S/O LALJI DAS

R/O SARUSAJAI
GUWAHATI
P.O.- SAUKUCHI
P.S.- BASISTHA
DIST.- KAMRUP (M)
ASSAM.
5:LALIT KUMAR JAIN
S/O LATE PADAM PRASAD JAIN

R/O NAHARLAGUN
P.O.- NAHARLAGUN
P.S.- NAHARLAGUN
DIST.- PAPUMPARE
STATE- ARUNACHAL PRADESH
INDIA.
6:BINAY KUMAR BASU
S/O JITEN KUMAR BASU

R/O SARUSAJAI
GUWAHATI
P.O.- SAUKUCHI
P.S.- BASISTHA
DIST.- KAMRUP (M)
ASSAM.
7:ARIBAM HEMANTA SHARMA
S/O SRI ARIBAM NIDHUBON SHARMA

R/O M.G. AVENUE
P.O.- IMPHAL
P.S.- IMPHAL
DIST.- IMPHAL
MANIPUR
INDIA.
8:NINGTHOUJAM DHINEL SINGH

S/O N. GOURAKISHOR SINGH

R/O M.G. AVENUE

P.O.- IMPHAL

P.S.- IMPHAL

DIST.- IMPHAL

MANIPUR

INDIA.

9:ANGOM BOBBY SINGH

S/O A. KUMAR SINGH

R/O LALAMBUNG MAKHONG TAKHELLAMBAM

LEIKAI

IMPHAL

P.S.- IMPHAL

DIST.- IMPHAL

MANIPUR

INDIA.

For the appellant (s) : Mr. T. Deuri, Advocate

For the respondent (s) : None appears

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

19.06.2024

The instant appeal was filed being aggrieved vide the order dated 18.04.2024 passed by the Court of the Civil Judge (Senior Division) No.3, Kamrup, (M) at Guwahati whereby the learned Trial Court only issued notice but did not grant ad-interim ex-parte injunction thereby fixing 06.06.2024 for service report/objection in Misc.(J) Case No.357/2024 arising out of Title Suit No.195/2024.

2. This Court taking into account the urgency shown passed the ad-interim ex-parte injunction on 17.05.2024 in I.A.(C) No.1380/2024 thereby directing the parties to maintain status quo as regards the possession of the

suit land which has been specifically described in the Schedule-A to the plaint of the Title Suit No.195/2024 till the next date, i.e. today.

3. This Court had also observed that the instant proceedings as well as the order passed herein shall not be a bar on the part of the learned Trial Court to proceed with the injunction application. While perusing the Office Note, it is seen that the appellant herein did not take steps by way of dasti so directed. In addition to that, the addresses of all the respondent No.1 to 6 were insufficient addresses as has been mentioned by the Process Server's remark. Further to that, the Office Note reflects that the service to be meted out through usual process the addresses of the respondent Nos.3, 4 & 6 were also not found.

4. Under such circumstances, this Court is not inclined to further continue with another parallel proceedings before this Court, that too when the injunction proceedings are still pending before the learned Trial Court in Misc. (J) Case No.357/2024.

5. Accordingly, the instant proceedings stands closed.

6. However, this Court makes it clear that the interim order so passed on 17.05.2024 in I.A.(C) No.1380/2024 thereby directing the parties to maintain status quo as regards possession of the suit land which has been specifically described in Schedule-A to the plaint of Title Suit No.165/2024 shall continue till 22.08.2024, i.e. the date on which the learned Trial Court has fixed the injunction proceedings.

7. With the above, the instant appeal stands disposed of.

8. The learned Trial Court shall adjudicate the said injunction proceedings in accordance with law without being influenced by the order passed by this Court today as well as the order dated 17.05.2024. The further continuation

of the order dated 17.05.2024 by the learned Trial Court post 22.08.2024 shall be absolutely within its jurisdiction and subject to due application filed before the learned Trial Court.

JUDGE

Comparing Assistant