

GAHC010094892024



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

Case No. : I.A.(Civil)/1546/2024 in RSA/84/2024

HAMID ALI AND ANR
S/O HAJRAT ALI
RESIDENT OF VILLAGE KUMULLIPARA
MOUZA GHILAZARI
PO AND DIST. BARPETA
ASSAM
781314

2: RUKIYA KHATUN

D/O HAJRAT ALI

RESIDENT OF VILLAGE KUMULLIPARA
MOUZA GHILAZARI
PO AND DIST. BARPETA
ASSAM
781314
VERSUS

JARINA BIDHAVA AND 4 ORS
W/O KAYEM KHANDAKAR
RESIDENT OF VILLAGE KUMULLIPARA
MOUZA GHILAZARI
PO AND DIST. BARPETA
ASSAM
781314

2:EKAN ALI
S/O KAYEM KHANDAKAR

RESIDENT OF VILLAGE KUMULLIPARA
MOUZA GHILAZARI

PO AND DIST. BARPETA
ASSAM
781314

3:HANUFA BEGUM

D/O LATE KAYEM KHANDAKAR

RESIDENT OF VILLAGE KUMULLIPARA
MOUZA GHILAZARI
PO AND DIST. BARPETA
ASSAM
781314

4:AIMONA BIDHAVA
D/O LATE KALU KHANDAKAR

RESIDENT OF VILLAGE KUMULLIPARA
MOUZA GHILAZARI
PO AND DIST. BARPETA
ASSAM
781314

5:RUSTAM ALI
S/O LATE AYMONA BIHAVA
RESIDENT OF VILLAGE KUMULLIPARA
MOUZA GHILAZARI
PO AND DIST. BARPETA
ASSAM
781314

Advocate for : MR. L TALUKDAR
Advocate for : appearing for JARINA BIDHAVA AND 4 ORS

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

16.09.2024

Heard Mr. L. Talukdar, learned counsel for the applicants.

This application under Order XLI Rule 5, read with Section 151 of the Code of Civil

Procedure, 1908, is preferred by the applicants for staying execution of the impugned judgment and decree dated 15.02.2024 passed by the learned Civil Judge (Senior Division), Barpeta, in Title Appeal No.01/2022, by which the learned Civil Judge (Senior Division), Barpeta, has upheld the decree dated 25.11.2021 passed by the learned Munsiff No.1, Barpeta, in Title Suit No.105/2011.

Mr. Talukdar, learned counsel for the applicants submits that the applicants have preferred the connected appeal, which has already been admitted by this Court and notice has been issued to the respondents and the record has also been called for and till disposal of the present appeal, Mr. Talukdar contended that execution of the impugned judgment and decree dated 15.02.2024 passed by the learned Civil Judge (Senior Division), Barpeta, in Title Appeal No.01/2022, may be stayed.

Having heard the submission of learned counsel for the applicants and also considering the facts and circumstances on the record, this Court is inclined to allow this I.A.

Accordingly, till disposal of the appeal, execution of the impugned judgment and decree dated 15.02.2024 passed by the learned Civil Judge (Senior Division), Barpeta, in Title Appeal No.01/2022, stands stayed.

Sd/- Robin Phukan
JUDGE

Comparing Assistant