

GAHC010099032024



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

Case No. : I.A.(Civil)/1607/2024

ON THE DEATH OF NAGENDRA CHANDRA DAS HIS LEGAL HEIRS SRI
PAPUL DAS AND 3 ORS

S/O LATE NAGENDRA CH. DAS, R/O VILL. LAMGAON (CAMP), P.O.
BAMUNIGAON, P.S. BOKO, DIST. KAMRUP (R) ASSAM, PIN 781141

2: NRIPEN DAS

S/O LATE NAGENDRA CH. DAS
R/O VILL. LAMGAON (CAMP)
P.O. BAMUNIGAON
P.S. BOKO
DIST. KAMRUP (R) ASSAM
PIN 781141

3: DIPU DAS

S/O LATE NAGENDRA CH. DAS
R/O VILL. LAMGAON (CAMP)
P.O. BAMUNIGAON
P.S. BOKO
DIST. KAMRUP (R) ASSAM
PIN 781141

4: HEMANTA DAS

S/O LATE NAGENDRA CH. DAS
R/O VILL. LAMGAON (CAMP)
P.O. BAMUNIGAON
P.S. BOKO
DIST. KAMRUP (R) ASSAM
PIN 78114

VERSUS

SRI BIREN RAJBONGSHI,

S/O LATE KHAGEN RAJBONGSHI, R/O VILL. LAMGAON CAMP, P.O.
BAMUNIGAON, P.S. BOKO, DIST. KAMRUP, ASSAM, PIN 781141

For the Applicant(s) : Ms. S. Kanungoe, Advocate

For the Respondent(s) : Mr. Sheeladitya, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 24.06.2024

This is an application under Order XXXIX Rule 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 filed by the Applicants who are the Respondents in the accompanying appeal and also the plaintiffs in the suit seeking an injunction that the Opposite Party herein who is the Appellant should not be permitted to construct any structures over the land which have been specifically described in the plaint of Title Suit No.124/2008.

2. This Court has duly taken note of the disputes involved in the instant matter and the matter was also heard at length. Mr. Sheeladitya, the learned counsel submitted that he needs some more time to prepare. This Court finds that there is a strong prima facie case in favour of the Applicants herein who are the plaintiffs in the suit and the decree which has been passed by the learned First Appellate Court is also in favour of the plaintiffs. Any construction or creation of any third party rights over the suit land described in the plaint of the suit would be seriously prejudicial to the interest of the Applicants. Under such circumstances,

this Court directs the Appellant in the accompanying appeal who is the opposite party in the instant application not to carry out any form of construction over the suit land described in the plaint of Title Suit No.124/2008 till the disposal of the connected second appeal being RSA No.304/2018.

3. I.A. stands disposed of.

JUDGE

Comparing Assistant