

GAHC010105862024



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

**Case No. : I.A.(Civil)/1622/2024**

FAZIA BEWA AND 9 ORS.  
W/O- LATE YASIN ALI

2: BAZLUL BASIT  
S/O- LATE YASIN ALI

3: FAZRUL BASIT  
S/O- LATE YASIN ALI

4: MUSTT. USUFA BEGUM  
D/O- LATE YASIN ALI

5: MUSTT. FATEMA BEGUM  
D/O- LATE YASIN ALI

6: MD. HABIBOR RAHMAN  
S/O- LATE HASUMUDDIN

7: ATABBAR RAHMAN  
S/O- LATE HASUMUDDIN

8: HASNA KHATUN  
D/O- LATE HASUMUDDIN

9: SHAHERA KHATUN  
D/O- LATE HASUMUDDIN

10: AMINA KHATUN  
D/O- LATE HASUMUDDIN  
ALL ARE RESIDENTS OF VILL.- VELAKOBA  
P.O. KHUDIMARI  
P.S. GAURIPUR  
DIST.- DHUBRI  
ASSAM

PIN- 783331

VERSUS

SAFIAR RAHMAN

S/O- LATE MONSER ALI, R/O- VILL.- VELAKOBA, P.O. KHUDIMARI, P.S.  
GAURIPUR, DIST.- DHUBRI, ASSAM, PIN- 783331.

**Advocate for the Petitioner** : MS. R CHOUDHURY,

**Advocate for the Respondent** : MR. R K JAIN, TULIKA BORAH

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 28.10.2024**

Heard Ms. R. Choudhury, learned counsel for the applicants and Mr. R.K. Jain, learned counsel for the respondent.

2. This interlocutory application, under Order 39 Rule 1 and 2 of the CPC, is preferred by the applicants for a temporary injunction till disposal of the connected regular second appeal.

3. Ms. Choudhury, learned counsel for the applicants submits that the applicants have already preferred one regular second appeal before this Court and the same has already been admitted and the matter is fixed for hearing on the next date. Ms. Choudhury also submits that during pendency of the connected second appeal, the respondent herein this application has undertaken construction in the suit property and if he is allowed to continue with the construction, then the same will change the nature and character of the suit property and therefore, Ms. Choudhury has contended that till disposal of the connected second appeal, the parties may be directed to maintain status quo.

4. On the other hand, Mr. Jain, learned counsel for the respondent submits that no new construction has been undertaken by the respondent in the suit property and whatever was constructed that was prior to filing of the title suit before the learned trial Court and that he can assure that no construction will be undertaken by the respondent in the suit property, during the pendency of the regular second appeal.

5. Having heard the submissions of learned Advocates of both sides and also considering the submission, especially the assurance of Mr. Jain, learned counsel for the respondent that no construction will be undertaken in the suit property by the respondent to change its nature and character during the pendency of the connected Regular Second Appeal, this Court is inclined to close this application.

6. In terms of above, this I.A. stands disposed of.

**JUDGE**

**Comparing Assistant**