

GAHC010113902024



2024:GAU-AS:11600

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

Case No. : FAO/43/2024

SUBIR CHAKRABORTY
S/O SURENDRA KANTA CHAKRABORTY,
RESIDENT OF WARD NO. 4, GOBINDA NAGAR, PO AND PS LANKA, DIST
HOJAI, ASSAM

VERSUS

PRADIP SINGH
S/O LATE KESHAR SINGH,
RESIDENT OF STATION ROAD, LANKA TOWN, WARD NO. 4, DIST HOJAI,
ASSAM 782446

Advocate for the Petitioner : MR B KAUSHIK, S ACHUMI,MR. S HAZARIKA
Advocate for the Respondent : MRS. K DEVI, MR. J KALITA,MS S A KHALIFA

Linked Case : I.A.(Civil)/1734/2024

SUBIR CHAKRABORTY
S/O SURENDRA KANTA CHAKRABORTY
RESIDENT OF WARD NO. 4
GOBINDA NAGAR
PO AND PS LANKA
DIST HOJAI
ASSAM

VERSUS

PRADIP SINGH
S/O LATE KESHAR SINGH
RESIDENT OF STATION ROAD
LANKA TOWN
WARD NO. 4
DIST HOJAI
ASSAM 782446

Advocate for : MR B KAUSHIK
Advocate for : appearing for PRADIP SINGH

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

25.11.2024

Heard Mr. B. Kaushik, learned counsel for the appellant/applicant and Ms. K. Devi, learned counsel for the respondent/opposite party.

2. Mr. Kaushik, learned counsel for the appellant/applicant submits that this appeal is preferred against the ex-parte injunction order dated 03.06.2024, passed by the learned Civil Judge (Senior Division), Hojai at Sankardev Nagar in Misc. (J) Case No. 27/2024, arising out of Title Suit No. 25/2024. Mr. Kaushik further submits that the learned trial court vide impugned order dated 03.06.2024, has directed to issue notice to the opposite party, the appellant herein and being aggrieved the appellant preferred the present appeal before this court and in I.A. (Civil) No. 1734/2024, this court was pleased to direct that until further order the respondent – opposite party shall neither take any steps to evict the appellant from the suit house nor he will try to let the house to another person. Mr. Kaushik further submits that the respondent – opposite party has already entered appearance before the learned trial court and filed objection in the injunction petition pending before the learned trial court and as such, this appeal may be disposed of by remanding the same to the learned trial court with a direction to dispose of the injunction petition and that the interim order passed in the I.A. (Civil) No. 1734/2024 may be extended, till disposal of the same.

3. On the other hand, Ms. Devi, learned counsel for the respondent – opposite

party submits that she has no objection in the event of remanding the matter to the learned trial court. Ms. Devi however submits that the interim order dated 07.06.2024, passed in the I.A. (Civil) No. 1734/2024, may be extended till the next date, i.e. 08.01.2025, only.

4. Considering the submissions of learned counsel for both the parties and as agreed upon, this court is inclined to dispose of this petition by remanding the matter to the learned trial court with a direction to hear both the parties and to dispose of the injunction petition on the next date fixed, i.e. 08.01.2025.

5. Till disposal of the injunction petition, the interim order dated 07.06.2024, passed in the I.A. (Civil) No. 1734/2024, stands extended.

Comparing Assistant

JUDGE