

GAHC010113932024



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

Case No. : I.A.(Civil)/1748/2024

LEGAL HEIRS OF LT GANESH CHANDRA BARMAN BIKU CHANDRA
BARMAN AND ORS
SON
RESIDENT OF KAIMARI PART I, PO AND PS KAIMARI, PS GOLAKGANJ,
DIST DHUBRI, ASSAM 783335

2: DIPANKAR BARMAN
SON
RESIDENT OF KAIMARI PART I
PO AND PS KAIMARI
PS GOLAKGANJ
DIST DHUBRI
ASSAM 783335

3: APU CHANDRA BARMAN
SON
RESIDENT OF KAIMARI PART I
PO AND PS KAIMARI
PS GOLAKGANJ
DIST DHUBRI
ASSAM 783335

4: SOMA BARMAN
DAUGHTER
RESIDENT OF KAIMARI PART I
PO AND PS KAIMARI
PS GOLAKGANJ
DIST DHUBRI
ASSAM 783335

5: HEMLATA BARMAN
WIFE
RESIDENT OF KAIMARI PART I
PO AND PS KAIMARI

PS GOLAKGANJ
DIST DHUBRI
ASSAM 78333

VERSUS

NAGEN CHANDRA ROY BEPARI
RESIDENT OF KAIMARI PART I, PO AND PS KAIMARI, PS GOLAKGANJ,
DIST DHUBRI, ASSAM 783335

Advocate for the Petitioner : MS. R CHOUDHURY, MS. B. HAZARIKA,MS F N ZAMAN

Advocate for the Respondent : MS. P BHATTACHARYA, MR. K BHATTACHARJEE,MS. A
BARMAN,MS T BARUAH

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 12.08.2024

Heard Ms. B. Hazarika, learned counsel for the applicants. Also heard Ms. T. Baruah, learned counsel for the respondent.

This application under Order 41 Rule 5 read with Section 151 of the Code of Civil Procedure, 1908 has been filed by the applicants/appellants praying for stay of the execution of the impugned judgment and decree dated 07.03.2024 passed by the learned Civil Judge (Sr. Division), Dhubri in Title Appeal No. 8/2023, whereby the judgment and decree passed by the learned Munsiff No. 1, Dhubri, in Title Suit No. 391/2004 on 25.05.2023 was affirmed.

The learned counsel for the applicants has submitted that the connected regular second appeal has already been admitted and two substantial question of law have also been formulated in the said appeal and, hence, she has prayed

for allowing the instant application and staying the execution of the impugned judgment during pendency of the connected Regular Second Appeal No. 98/2024.

On the other hand, learned counsel for the opposite party/respondent has submitted that as the connected appeal has already been admitted and substantial question of law were already formulated in the main appeal, she has no objection if the petition is filed by the applicants/appellants is allowed.

In view of the submissions made by the learned counsel for the respondent and in view of the fact that the connected appeal has already been admitted and substantial question of law have also been formulated in this case, the execution of impugned judgment and decree dated 07.03.2024 which has been impugned in the connected Regular Second Appeal No. 98/2024 is hereby stayed during the pendency of the aforesaid appeal.

This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant