

GAHC010137012024



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

Case No. : I.A.(Civil)/2079/2024

ON THE DEATH OF MAJHI BHENGA HIS LEGAL HEIRS, SMTI. CHINI
BHENGRA AND ORS
W/O LATE MAJHI BHENGRA, RESIDENT OF AMOLA PAM, PO NAPAM, PS
TEZPUR, OUTPOST BORGHAT, DIST SONITPUR, ASSAM 784028

2: DHIRAJ BHENGRA
S/O LATE MAJHI BHENGRA
RESIDENT OF AMOLA PAM
PO NAPAM
PS TEZPUR
OUTPOST BORGHAT
DIST SONITPUR
ASSAM 784028

3: PAPU BHENGRA
S/O LATE MAJHI BHENGRA
RESIDENT OF AMOLA PAM
PO NAPAM
PS TEZPUR
OUTPOST BORGHAT
DIST SONITPUR
ASSAM 784028

4: MD. SAMAR ALI
S/O MD. YAKUB ALI

RESIDENT OF VILLAGE KOROKANI
MOUZA GOROIMARI
PO NAPAM
PS TEZPUR
DIST SONITPUR
ASSAM 78400

VERSUS

JITEN BHENGRA AND 2 ORS
S/O LATE SUKRAM BHENGRA RESIDENT OF VILLAGE AMOLA PAM,
MOUZA HALLESWAR, PO NAPAM, PS TEZPUR, OUTPOST BORGHAT, DIST
SONITPUR, ASSAM 784028

2:SMTI. BINA BHENGRA
D/O LATE SUKRAM BHENGRA
RESIDENT OF VILLAGE AMOLA PAM
MOUZA HALLESWAR
PO NAPAM
PS TEZPUR
OUTPOST BORGHAT
DIST SONITPUR
ASSAM 784028

3:SMTI PINKI BHENGRA
D/O LATE SUKRAM BHENGRA
RESIDENT OF VILLAGE AMOLA PAM
MOUZA HALLESWAR
PO NAPAM
PS TEZPUR
OUTPOST BORGHAT
DIST SONITPUR
ASSAM 78402

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent :

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

16.07.2024

Heard Mr. M.U. Mahmud, learned counsel appearing for the applicants.

2. This is an application under Order XLI Rule 5 of the Code of Civil Procedure read with Section 151 of the said Code for stay of the impugned judgment and order dated 17.02.2024

passed by the learned District Judge, Sonitpur at Tezpur in Title Appeal No.03/2021 whereby the judgment dated 12.12.2018 passed by the learned Civil Judge, Sonitpur at Tezpur in Title Suit No.07/2015 was upheld.

3. The connected Regular Second Appeal has been admitted for hearing. Said appeal has been filed challenging the aforesaid judgments passed by the learned District Judge as well as learned Civil Judge.

4. It has been submitted by Mr. Mahmud that in the absence of stay order, the opposite parties have entered into the suit land and caused damage to a C.I. sheet house.

5. Since the appeal has already been admitted for hearing, the impugned judgments are stayed and the opposite parties are directed not to change the nature and character of the suit land till disposal of the connected appeal (RSA No.93/2024).

With the aforesaid direction, the I.A. stands disposed of.

JUDGE

Comparing Assistant