

GAHC010143392023



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

Case No. : I.A.(Civil)/2578/2023

JABIDA KHATUN
W/O SULTAN KHAN
RESIDENT OF VILLAGE GOBINDAPUR GAON
MOUZA JONAI
DIST BARPETA
ASSAM
781308

VERSUS

EAJ KHATUN AND 3 ORS.
W/O SOMEJUDDIN
RESIDENT OF VILLAGE GOBINDAPUR GAON
MOUZA JONAI
DIST BARPETA
ASSAM
781308

2:TULA MIAH
S/O ABDUL RAJJAK

RESIDENT OF VILLAGE GOBINDAPUR GAON
MOUZA JONAI
DIST BARPETA
ASSAM
781308
3:RAUSONARA BEGUM
W/O FAZAL HAQUE
RESIDENT OF VILLAGE GOBINDAPUR GAON
MOUZA JONAI
DIST BARPETA
ASSAM
781308

4:SORHAB ALI
S/O AINUDDIN

RESIDENT OF VILLAGE GOBINDAPUR GAON
MOUZA JONAI
DIST BARPETA
ASSAM
781308

For the applicant (s) : Mr. A. Sattar, Advocate

For the respondent (s) : None appears

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

20.05.2024

This is an application under Order XLI Rule 5 of the Code of Civil Procedure, 1908 for stay of the judgment and decree dated 24.03.2023 passed by the learned Court of the Civil Judge, Barpeta in Title Appeal No.29/2018.

2. This Court has already admitted the accompanying Appeal by formulating two substantial questions of law. This Court has also taken note of that in the said suit, the plaintiff did not pray for recovery of possession. However, the learned Trial Court granted the said relief and prima-facie it appears to be based on conjectures and surmises. It is also relevant to take note of that if the impugned judgment and decree dated 24.03.2023 passed in Title Appeal No.29/2018 is not stayed, it would result in causing irretrievable injury to the applicant, and as such, the impugned judgment and decree dated 24.03.2023 passed in Title Appeal No.29/2018 is stayed till

the disposal of the instant Appeal.

3. In view of the above, the instant I.A. stands disposed of.

JUDGE

Comparing Assistant