

GAHC010268502022



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

I.A.(Civil)/2444/2023

MITA BHATTACHARJEE AND 4 ORS.
W/O DIPANKAR BHATTACHARJEE

R/O BHOLANATH MANDIR PATH
ULUBARI
GUWAHATI- 781007
DIST.- KAMRUP (M)
ASSAM.

2: USHA PURKAYASTHA
W/O BENU MADHAV PURKAYASTHA

R/O COLONY BAZAR
KAHILIPARA
GUWAHATI- 781018
DIST.- KAMRUP (M)
ASSAM.

3: DIPANJALI DEKA
W/O DINESH DEKA

R/O UDALBAKRA
NIRJA PATH
LALGANESH
GUWAHATI- 34
DIST.- KAMRUP (M)
ASSAM.

4: NIKHILESH PAUL
S/O LATE SUBAL KRISHNA PAUL

R/O UDALBAKRA
NIRJA PATH

LALGANESH
GUWAHATI- 34
DIST.- KAMRUP (M)
ASSAM.

5: SADHAN PAUL
S/O LATE SUBAL KRISHNA PAUL

R/O UDALBAKRA
NIRJA PATH
LALGANESH
GUWAHATI- 34
DIST.- KAMRUP (M)
ASSAM.
VERSUS

SATHI DEY CHOUDHURY AND ANR
W/O JAYANTA DEY CHOUDHURY
R/O HOUSE NO. 28
B.K. KAKATI ROAD
ULUBARI
GUWAHATI- 781007 IN THE DISTRICT OF KAMRUP (M)
ASSAM.

2:JOYDEEP DEY CHOUDHURY
S/O JAYANTA DEY CHOUDHURY

R/O HOUSE NO. 28
B.K. KAKATI ROAD
ULUBARI
GUWAHATI- 781007 IN THE DISTRICT OF KAMRUP (M)
ASSAM.

Advocate for : MR. N BHARALI
Advocate for : MR. S BISWAS appearing for SATHI DEY CHOUDHURY AND ANR

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

20.03.2024

This is an application filed by the respondent as applicant seeking recalling of the order dated 18.01.2023 passed in IA(C)No.122/2023, *inasmuch as*, the said order was passed by bypassing the Caveat dated 22.11.2022.

This Court has duly perused the order dated 18.01.2023 passed in IA(C)No.122/2023.

It is also seen that the said application being IA(C)No.122/2023 was filed on 09.01.2023. Under such circumstances, when there was a caveat lodged, the Registry ought to have pointed out the said aspect of the matter.

Be that as it may, this Court has also perused the order dated 18.01.2023 wherein it has been mentioned that till the returnable date, the execution of the impugned judgment and decree dated 09.11.2022 passed in Title Appeal No.5/2020 by the Court of the learned Additional District Judge No.3, Kamrup(M) Guwahati shall remain stayed. Thereupon, the matter came up on 06.12.2023 as could be seen from the records of the regular second appeal as well as the instant application.

The said order dated 18.01.2023 thereupon was not extended, meaning thereby, there is no further stay in respect to the judgment and decree dated 09.11.2022 passed in Title Appeal No.5/2020.

Under such circumstances, the instant application has become infructuous for which the same stands closed.

JUDGE

Comparing Assistant