

GAHC010166852024



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

Case No. : I.A.(Civil)/2519/2024 in RSA/155/2024

ROHIT CHOUDHURY AND 5 ORS
S/O RAJ KUMAR CHOUDHURY RESIDENT OF ASSAM ISPAT COMPLEX
N.S ROAD
FATASHIL
PS AND PO BHARALUMUKH
GUWAHATI 781009
ASSAM

2: SRI PRAKASH SANGANERIA
S/O LATE BHIKAMCHAND SANGANERIA

RESIDENT OF ARUN PRAKASH MANSION
G.S ROAD
BHANGAGARH
PS AND PO BHANGAGARH
GUWAHATI 781005
DIST KAMRUP M ASSAM

3: SRI ABHISHEK JALAN
S/O RAMAVATAR JALAN

RESIDENT OF G.S ROAD
BHANGAGARH
PS AND PO BHANGAGARH
GUWAHATI 781005
DIST KAMRUP M ASSAM

4: SRI DEEPAK KAYAL
S/O DEOKINANDAN KAYAL
RESIDENT OF PANBAZAR
PS AND PO PANBAZAR
GUWAHATI 781001
KAMRUP M ASSAM

5: SRI SANJAY KHEMKA
S/O SAWARMAL KHEMKA

RESIDENT OF G.S ROAD
BHANGAGARH
PS AND PO BHANGAGARH
GUWAHATI 781005
DIST KAMRUP M ASSAM

6: SRI SUSHIL KUMAR TODI
S/O LATE M.P TODI
RESIDENT OF A.C ROAD
PS PALTAN BAZAR
PO REHABARI
GUWAHATI
ASSAM 781008
KAMRUP M ASSAM
VERSUS

UPENDRA NATH GOSWAMI
S/O LATE SARBESWAR GOSWAMI
RESIDENT OF VILLAGE LACHI BISHNOUR
PS KAYAN
PO GOPALPUR
DIST KAMRUP (R) ASSAM

Advocate for : MR. N ALAM
Advocate for : appearing for UPENDRA NATH GOSWAMI

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

28.08.2024

Heard Mr. N. Alam, learned counsel for the applicants.

This application under Order XLI Rule 5, read with Section 151 of the Code of Civil Procedure, 1908, is preferred by the applicant for staying operation of the impugned ex-

parte judgment and decree dated 16.03.2024, passed by the learned District Judge, Kamrup(R), Amingaon, in Title Appeal No.4/2023.

Mr. Alam, learned counsel for the applicants submits that connected second appeal has already been admitted by this Court and notice has been issued to the sole respondent and the record has also been called for and till disposal of the second appeal, Mr. Alam contended that the operation of the impugned ex-parte judgment and decree dated 16.03.2024, passed by the learned District Judge, Kamrup(R), Amingaon, in Title Appeal No.4/2023, may be stayed.

Having heard the submission of learned counsel for the applicant and also considering the facts and circumstances on the record, this Court is inclined to allow this I.A.

Accordingly, till disposal of the second appeal, operation of the impugned ex-parte judgment and decree dated 16.03.2024, passed by the learned District Judge, Kamrup(R), Amingaon, in Title Appeal No.4/2023, stands stayed.

Sd/- Robin Phukan
JUDGE

Comparing Assistant