

GAHC010178392024



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

Case No. : I.A.(Civil)/3118/2024

TARAK BORO
S/O LATE KASHINATH BORO, RESIDENT OF VILLAGE DEKAPARA, MOUZA
PAKA, PS SARTHEBARI, DIST BARPETA, ASSAM 781314

VERSUS

GHANAKANTA BORO AND 2 ORS
S/O LATE UPEN BORO, RESIDENT OF VILLAGE MORIPUR, SARTHEBARI,
MOUZA PAKA, DIST BARPETA, ASSAM 781307

2:SMTI PRATIMA BORO BAISHYA
W/O BIPUL BAISHYA
RESIDENT OF SATHIKUCHI/TATIKUCHI
PO GABRADAL
KAITHALKUCHI
DIST NALBARI
ASSAM 781370

3:SMTI LAKHI BORO
W/O NIREN BORO
RESIDENT OF VILLAGE MORIPUR
SARTHEBARI
MOUZA PAKA
DIST BARPETA
ASSAM 78130

Advocate for the Petitioner : MR. N K KALITA,

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 13.11.2024

Heard Mr. N.K. Kalita, learned counsel for the applicant.

2. Pursuant to the order dated 08.11.2024, Mr. Kalita, learned counsel for the applicant has produced one copy of the order dated 20.09.2024, passed by the Civil Judge (Junior Division) No. 2, Barpeta, in Title Execution Case No. 33/2024 and submits that the learned Executing Court has already issued warrant and vide order dated 20.09.2024, the matter was fixed on 01.10.2024 for report and thereafter, the matter has again been fixed on 30.10.2024. Under such circumstance, Mr. Kalita submits that if the impugned judgment dated 16.05.2024 and decree dated 30.05.2024, is not stayed, the connected appeal will become infructuous and therefore, it is contended to stay the impugned judgment and decree.

3. Having considered the submission of learned counsel for the applicant and also considering the fact that the connected regular second appeal has already been admitted and notice has been issued to the respondents and the records have been called for, this Court is inclined to stay operation of the judgment dated 16.05.2024 and decree dated 30.05.2024, passed by the learned Civil Judge, Barpeta, in Title Appeal No. 47/2022, till returnable date.

4. In terms of above, this I.A. stands allowed.

JUDGE

Comparing Assistant