

GAHC010192852024



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

Case No. : I.A.(Civil)/3158/2024

HAREN DEKA
S/O LATE BATAHU RAM DEKA
RESIDENT OF WARD NO. 3
RANGIA TOWN (MURARA). PO AND PS RANGIA
MOUZA PUB BORIGOG
DIST KAMRUP

VERSUS

BANI KANTA SARMA AND 5 ORS
S/O LATE RAMA KANTA SARMA
RESIDENT OF VILLAGE SONESWAR PO AND PS KAMALPUR
MOUZA PUBPAR
DIST KAMRUP

2:MOHAN DEKA
S/O MUTHURA DEKA

RESIDENT OF WARD NO. 3
RANGIA TOWN (MURARA). PO AND PS RANGIA
MOUZA PUB BORIGOG
DIST KAMRUP

3:SRI GAUTAM DEKA
S/O MUTHURA DEKA

RESIDENT OF WARD NO. 3
RANGIA TOWN (MURARA). PO AND PS RANGIA
MOUZA PUB BORIGOG
DIST KAMRUP

4:SRI DHRUBANANDA BHATTACHARJYA

S/O LATE KESHABANANDA BHATTACHARJYA

RESIDENT OF WARD NO. 3
RANGIA TOWN (MURARA). PO AND PS RANGIA
MOUZA PUB BORIGOG
DIST KAMRUP

5:SRI RAJ KR. BHATTACHARJYA
S/O LATE KESHABANANDA BHATTACHARJYA

RESIDENT OF WARD NO. 3
RANGIA TOWN (MURARA). PO AND PS RANGIA
MOUZA PUB BORIGOG
DIST KAMRUP

6:UTPAL BHATTACHARJYA
S/O LATE KESHABANANDA BHATTACHARJYA

RESIDENT OF WARD NO. 3
RANGIA TOWN (MURARA). PO AND PS RANGIA
MOUZA PUB BORIGOG
DIST KAMRUP

Advocate for : MR P K KALITA
Advocate for : MR. A SATTAR appearing for BANI KANTA SARMA AND 5 ORS

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 21.10.2024

Heard Mr. P.K. Kalita, learned Senior counsel, assisted by Mr. K. Talukdar, learned counsel for the applicant. Also heard Mr. G. Imtiaz, learned counsel for the opposite party No. 1.

2. This interlocutory application, under Order 41 Rule 5 of the CPC is preferred by the applicant for staying operation of the judgment and decree dated 20.07.2024, passed by the learned Addl. District Judge, Rangia, in Title Appeal No. 9/2016.

3. It is to be noted here that impugned judgment and decree dated 20.07.2024, the learned Addl. District Judge, Rangia has set aside the judgment and decree dated 18.08.2016, passed by the learned Munsiff, Rangia, in Title Suit No. 18/2012, dismissing the suit of the plaintiff.
4. Mr. Kalita, learned Senior counsel for the applicant submits that the connected appeal has already been admitted by this Court and notice has also been issued to the respondents and that the road is being used by many people since long and that is the only road for ingress and egress and unless the operation of the impugned judgment and decree is stayed, the people will suffer a lot. In view of the above, Mr. Kalita submits that the operation of the impugned judgment and decree dated 20.07.2024, may be stayed till disposal of the connected appeal.
5. Having considered the submission of Mr. Kalita, learned Senior counsel for the applicant and also considering the facts and circumstances on the record, specially the urgency shown by Mr. Kalita, this Court is inclined to stay the operation of the impugned judgment and decree dated 20.07.2024, till disposal of the connected appeal.
6. In terms of above, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant