

GAHC010200782024



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

Case No. : I.A.(Civil)/3135/2024

MANAGER, LONGAI TEA ESTATE AND ANR.
PO CHANDKHIRA, PS PATHARKANDI, DIST KARIMGANJ, ASSAM

2: ASSAM TEA CORPORATION LTD.
REPRESENTED BY ITS MANAGING DIRECTOR
REGISTERED OFFICE AT HOUSEFED COMPLEX
BASISTHA ROAD
DISPUR GUWAHATI 781006 ASSA

VERSUS

D.M. PRORERTIES PVT. LTD. AND 2 ORS.
- A COMPANY INCORPORATED UNDER THE COMPANIES ACT 1956 HAVING
ITS REGISTERED OFFICE AT CONTINENTAL CHAMBER, 4TH FLOOR 15 A
HEMANTA BASU SARANI, KOLKATA, WEST BENGAL, REPRESENTED BY
CONSTITUTED ATTORNEY SHRI MAHENDRA PRATAP SINGH, MANAGER,
PATHINI TEA ESTATE,

2:MANAGER
PATHINI TEA ESTATE
SHRI MAHENDRA PRATAP SINGH
AGED 58 YEARS
S/O LATE BIKRAMA SINGHA
RESIDING AT PATHINI TEA ESTATE
PO CHANDKHIRA
PS PATHARKANDI
DIST KARIMGANJ
ASSAM

3:MANTRI TEA COMPANY PVT. LTD.
HAVING ITS REGISTERED OFFICE AT 15 A
HEMANTA BASU SORONI
KOLKATA 700001
WEST BENGAL

Advocate for the Petitioner : MR. T DAS, MS. R BARMAN,MR. R P KAKOTI SR. ADV.,MR. T DAS,MR. S SUTRADHAR

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER**

23.10.2024

Heard Mr. R.P. Kakoti, learned Senior Counsel assisted by Mr. A.B. Dey, learned counsel for the applicants.

2. This interlocutory application, under Order XLI Rule 5 of the C.P.C., is preferred by the applicants for staying operation of the Judgment and Decree dated 12.02.2021, passed by the learned Civil Judge, Karimganj, in Title Appeal No. 34/2019.

3. It is to be noted here that vide impugned Judgment and Decree dated 12.02.2021, the learned Civil Judge, Karimganj has upheld the Judgment and Decree dated 23.04.2019, passed by the learned Munsiff No. 1, in Title Suit No. 107/2022.

4. Mr. Kakoti, learned Senior Counsel appearing for the applicants submits that one execution petition has been filed before the learned trial court, but the same has not been proceeded. As such, the second appeal has been filed and the same has already been admitted and the notice has also been issued. Therefore, Mr. Kakoti contends that till disposal of the second appeal operation of the impugned Judgment and Decree dated 12.02.2021, passed by the learned Civil Judge, Karimganj, in Title Appeal No. 34/2019, may be stayed.

5. Having considered the submission of learned counsel for the

applicants and also considered the given facts and circumstances on the record, this court is inclined to allow this interlocutory application.

6. Accordingly, it is provided that the operation of the Judgment and Decree dated 12.02.2021, passed by the learned Civil Judge, Karimganj, in Title Appeal No. 34/2019, stands **stayed**, till disposal of the RSA No. 58/2024.

7. In terms of above, this I.A. stands disposed of.

Comparing Assistant

JUDGE