

GAHC010100462024



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

Case No. : I.A.(Civil)/3157/2024

ATIBAR RAHMAN
S/O LATE AWAL SK
VILLAGE CHARALDANGA
PO KHUDIMARI
PS GAURIPUR
DIST DHUBRI
ASSAM
783331

VERSUS

SOFIAR RAHMAN AND 4 ORS
S/O LATE HAMIRUDDIN
VILLAGE MATIABAG
PO SILAIRPAR
PS GAURIPUR
DIST DHUBRI
ASSAM 783331

2:KOISER ALI
S/O LATE AWAL SK

VILLAGE CHARALDANGA
PO KHUDIMARI
PS GAURIPUR
DIST DHUBRI
ASSAM 783331

3:SAHEJAN BIBI
W/O ANUR HUSSAIN

VILLAGE NOWYER CHAR
PO GERAMARI

PS GAURIPUR
DIST DHUBRI
ASSAM 783339

4:ADORBHAN BIBI
W/O SAMSUL ALI

VILLAGE JHASKAL PART III
PO JHASKAL
PS AGOMONI
DIST DHUBRI
ASSAM 783335

5:SAHERA BIBI
W/O MOSER ALI

VILLAGE TIAMARI PART II
PO TIAMARI
PS AGOMONI
DIST DHUBRI
ASSAM 783331

Advocate for : MS M DAS
Advocate for : appearing for SOFIAR RAHMAN AND 4 ORS

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 21.10.2024

Heard Mr. S. Islam, learned counsel for the applicant.

2. This interlocutory application, under Order 41 Rule 5 of the CPC is preferred by the applicant for staying operation of the judgment dated 16.03.2024 and the decree dated 13.03.2024, passed by the learned Civil Judge (Senior Division), Dhubri, in Title Appeal No. 4/2023.

3. It is to be noted here that vide impugned judgment dated 16.03.2024 and decree dated 13.03.2024, the learned Civil Judge (Senior Division), Dhubri has allowed the appeal and set aside the judgment and decree dated 04.03.2023,

passed by the learned Munsiff No. 1, Dhubri, in Title Suit No. 101/2014.

4. Mr. Islam, learned 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 in view of the above, Mr. Islam submits that the operation of the impugned judgment dated 16.03.2024 and decree dated 13.03.2024, may be stayed till disposal of the connected appeal.

5. Having considered the submission of Mr. Islam, learned counsel for the applicant and also considering the facts and circumstances on the record, this Court is inclined to stay the operation of the impugned judgment dated 16.03.2024 and decree dated 13.03.2024, till disposal of the connected appeal.

6. In terms of above, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant