

GAHC010213292023



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

Case No. : CRP(IO)/312/2023

IDDRISH ALI AND 6 ORS
S/O LATE RAMEJUDDIN, R/O VILL- PUB SAFAKAMAR, MOUZA-
GOBARDHANA, P.S.-BARPETA ROAD, DIST- BARPETA, ASSAM, PIN-781315

2: OHED ALI
S/O LATE RAMEJUDDIN
R/O VILL- PUB SAFAKAMAR
MOUZA- GOBARDHANA
P.S.-BARPETA ROAD
DIST- BARPETA
ASSAM
PIN-781315

3: MUNNAT ALI
S/O LATE RAMEJUDDIN
R/O VILL- GAMARIGURI
P.S.-BARPETA ROAD
DIST- BARPETA
ASSAM
PIN-781315

4: SAID ALI
S/O LATE RAMEJUDDIN
R/O VILL- PUB SAFAKAMAR
MOUZA- GOBARDHANA
P.S.-BARPETA ROAD
DIST- BARPETA
ASSAM
PIN-781315

5: SURAJ ALI
S/O LATE RAMEJUDDIN
R/O VILL- PUB SAFAKAMAR
MOUZA- GOBARDHANA

P.S.-BARPETA ROAD
DIST- BARPETA
ASSAM
PIN-781315

6: SAHADAT HUSSAIN
S/O LATE RAMEJUDDIN
R/O VILL- PUB SAFAKAMAR
MOUZA- GOBARDHANA
P.S.-BARPETA ROAD
DIST- BARPETA
ASSAM
PIN-781315

7: BILLAL HUSSAIN
S/O IDDRIS ALI
R/O VILL- PUB SAFAKAMAR
MOUZA- GOBARDHANA
P.S.-BARPETA ROAD
DIST- BARPETA
ASSAM
PIN-78131

VERSUS

ATABAR RAHMAN @ ATABAR ALI AND ANR
S/O LATE JASIMUDDIN, R/O VILL- GAMARIGURI, MOUZA- GOBARDHANA,
P.S.-BARPETA ROAD, DIST- BARPETA, ASSAM, PIN-781315

2:SAHA ALI
S/O LATE JASIMUDDIN
R/O VILL- GAMARIGURI
MOUZA- GOBARDHANA
P.S.-BARPETA ROAD
DIST- BARPETA
ASSAM
PIN-78131

For the Petitioner(s) : Mr. A. Paul, Advocate

For the Respondent(s) : Mr. A. I. Ahmed, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 09.04.2024

1. This is an application filed under Article 227 of the Constitution challenging the order dated 08.09.2023 passed in Title Execution Case No.05/2019 pending before the Court of the learned Munsiff, Baksa.
2. This Court had duly perused the impugned order dated 08.09.2023 as well as also the earlier orders passed in the said execution proceedings. This Court finds no infirmity in any orders passed including the order dated 08.09.2023 to exercise the jurisdiction under Article 227 of the Constitution. Under such circumstances, the instant application being devoid of any merits stands dismissed.
3. Be that as it may, the dismissal of the instant application by this Court shall not preclude the Petitioners to approach the Executing Court under the appropriate provisions of law seeking stay of the said proceedings in view of the filing of the appeal or seeking stay to the execution proceedings by challenging the judgment and decree passed by the learned First Appellate Court.
4. The interim order passed on 22.09.2023 stands vacated and as the parties are duly represented, they are directed to appear before the learned Executing Court on 14.05.2024 for further proceedings of the said execution proceedings.

JUDGE

Comparing Assistant