

GAHC010224982014



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

Case No. : CRP/88/2014

PRANABANANDA BHATTACHARJYA and 3 ORS
S/O- LT. GIRIJANANDA BHATTACHARJYA,

2: BIBHABANANDA BHATTACHARJYA
S/O- LT. GIRIJANANDA BHATTACHARJYA.

3: BIBEKAKANDA BHATTACHARJYA
S/O- LT. GIRIJANANDA BHATTACHARJYA.

4: NIGAMANANDA BHATTACHARJYA
S/O- LT. GIRIJANANDA BHATTACHARJYA
ALL ARE R/O VILL.- JAIMANGALA AZARA
MOUZA- KHATA
P.S. and DIST.- NALBARI

VERSUS

SMTI ILA BARTHAKUR CHOUDHURY and 5 ORS.
W/O- LT. PHANINDRA NATH CHOUDHURY.

2:SHARBANA CHOUDHURY
D/O- LT. PHANINDRA NATH CHOUDHURY.

3:PRANAMI CHOUDHURY
D/O- LT. PHANINDRA NATH CHOUDHURY.

4:HRISHIKESH CHOUDHURY
D/O- LT. PHANINDRA NATH CHOUDHURY.

5:JNANENDRA NATH CHOUDHURY
D/O- LT. NAGENDRA NATH CHOUDHURY.

6:NARENDRA NATH CHOUDHURY
S/O- LT. NAGENDRA NATH CHOUDHURY

ALL ARE R/O- NALBARI TOWN
WARD NO. 11
MOUZA- KHATA
P.S. and DIST.- NALBARI

Advocate for the Petitioner : MR. P M DEKA
Advocate for the Respondent : MR.S K GHOSH

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

25-06-2024

Heard Shri G. N. Sahewalla, learned Senior Counsel assisted by Ms. K. Bhattacharyya, learned counsel for the petitioners. Also heard Shri B. C. Das, learned Senior Counsel assisted by Shri B. Kaushik, learned counsel for the respondents.

The instant application is filed under Article 227 of the Constitution of India challenging *inter alia* an order dated 06.12.2013 passed by the learned Civil Judge, Nalbari in Title Execution Petition No. 3/2913.

By the impugned order, the Execution Petition was dismissed by taking into consideration an order dated 02.08.2013 passed by this Court in Misc. Case No. 1461/2013 arising out of RSA No. 114/2013.

The aforesaid RSA No. 114/2013 has been dismissed today by this Court. This Court is therefore of the opinion that there would be no impediment for the executing Court to execute the decree in accordance with law.

The revision petition accordingly stands allowed and the order dated 06.12.2013 passed by the learned Civil Judge, Nalbari in Title Execution Petition No. 03.2013 is set aside.

JUDGE

Comparing Assistant