

GAHC010240672023



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

Case No. : FAO/69/2023

RAJU MESH
S/O LATE LALIT MESH,
RESIDENT OF FLAT NO. 1-B, RAJANI ENCLAVE, MANALISA PATH,
MOTHER TERESA ROAD, GUWAHATI 781024, DIST KAMRUP M ASSAM

VERSUS

DR. KAUMUDI KUMAR ROY CHAUDHURY
D/O LATE PARAMANANDA ROY CHOUDHURY
RESIDENT OF SHANTIPUR HILL SIDE, BHARALUMUKH, GUWAHATI
781009, DIST KAMRUP M ASSAM

For the Petitioner(s) : Mr. R. K. Bhuyan, Advocate

For the Respondent(s) : None appears.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 08.05.2024

1. This is an appeal under Order XLIII Rule 1(r) of read with Section 104 of the Code of Civil Procedure, 1908 against the order dated 20.06.2023 passed in Misc. (J) Case No.56/2023 arising out of Title Suit No.26/2023 wherein the

learned Court of the Civil Judge No.1, Kamrup (M) at Guwahati directed both the parties to maintain status quo over the suit land till the disposal of the Title Suit No.26/2023.

2. This Court has duly perused the impugned order dated 20.06.2023 and is of the opinion that the said order does not require any interference inasmuch as the order has been passed taking into account the principles for grant of injunction.

3. Mr. R. K. Bhuyan, the learned counsel appearing on behalf of the Appellant submits that the observations so made in the said order should not affect the decision in the suit taking into account that the said order was passed only for the purpose of deciding the interlocutory injunction.

4. This Court makes it clear that the observations so made in the impugned order dated 26.03.2023 shall only be construed in relation to the consideration of the injunction application and nothing further. Under such circumstances, the said observations shall not affect or influence the learned Trial Court in deciding the suit.

5. With above observations and directions, the instant appeal stands disposed of.

JUDGE

Comparing Assistant