

GAHC010243242023



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

Case No. : I.A.(Civil)/3280/2023

ABUL HUSSAIN @ ABDUL HUSSAIN AND 2 ORS.
S/O LATE MARTUZ ALI, RESIDENT OF VILLAGE RADHAKUCHI, PO
RADHAKUCHI, DIST BARPETA, ASSAM 781309

2: SMTI AMENA BEGUM
D/O ABUL HUSSAIN
RESIDENT OF VILLAGE KHUDRAFALADI
PO SARTHEBARI
DIST BARPETA
ASSAM 781307

3: SMTI SALEMA BEGUM @ SALMA BEGUM
D/O ABUL HUSSAIN
RESIDENT OF VILLAGE KAKADHOWA
PO KAKADHOWA
DIST BARPETA
ASSAM 78130

VERSUS

RAFIQUL HUSSAIN
S/O LATE NANDU KHAN, RESIDENT OF VILLAGE RADHAKUCHI, PO
RADHAKUCHI, DIST BARPETA, ASSAM 781309

Linked Case : RSA/195/2023

ABUL HUSSAIN @ ABDUL HUSSAIN AND 2 ORS.
S/O LATE MARTUZ ALI

RESIDENT OF VILLAGE RADHAKUCHI
PO RADHAKUCHI
DIST BARPETA
ASSAM 781309

2: SMTI AMENA BEGUM
D/O ABUL HUSSAIN
RESIDENT OF VILLAGE KHUDRAFALADI
PO SARTHEBARI
DIST BARPETA
ASSAM 781307

3: SMTI SALEMA BEGUM @ SALMA BEGUM
D/O ABUL HUSSAIN
RESIDENT OF VILLAGE KAKADHOWA
PO KAKADHOWA
DIST BARPETA
ASSAM 781302
VERSUS

RAFIQUL HUSSAIN
S/O LATE NANDU KHAN

RESIDENT OF VILLAGE RADHAKUCHI
PO RADHAKUCHI
DIST BARPETA
ASSAM 781309

For the applicant (s) : Mr. N. Hoque, Advocate

For the respondent (s) : Mr. M. Dutta, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

21.06.2024

This is an application under Order XLI Rule 5 of the Code of Civil Procedure, 1908 for staying the operation of the judgment and decree dated 16.09.2023 by the learned District Judge, Barpeta in Title Appeal No.11/2020.

2. This Court has duly taken note of that on 06.12.2023, this Court had already admitted the appeal by formulating three substantial questions of

law. This Court also takes note of that the records have also been received. Under such circumstances, as the decree that has been passed is an executable decree and this Court is in the session of the dispute in view of the admission of the appeal by formulating substantial questions of law, this Court therefore stays the impugned judgment and decree dated 16.09.2023 passed in Title Appeal No.11/2020 by the Court of the learned District Judge, Barpeta till the disposal of the instant Appeal.

3. In view of the above, the instant I.A. stands disposed of.

JUDGE

Comparing Assistant