

GAHC010283212023



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

Case No. : FAO/24/2024

KAVERI SAIKIA BORAH AND ANR
W/O LATE PRADIP KUMAR BORAH RESIDENT OF BOIRAGIMOTH,
KACHARI GAON, PO, PS AND DIST DIBRUGARH, ASSAM 786001

2: MR. ADITY ACHARYA BORAH
S/O LATE PRADIP KUMAR BORAH
RESIDENT OF BOIRAGIMOTH
KACHARI GAON
PO
PS AND DIST DIBRUGARH
ASSAM 78600

VERSUS

ASWINI DOWERAH AND 5 ORS.
S/O LATE DINESH CH. DOWERAH RESIDENT OF BOIRAGIMOTH, KACHARI
GAON, PO, PS AND DIST DIBRUGARH, ASSAM 786001

2:MRS. LEKHA DOWERAH
W/O ASWINI DOWERAH
RESIDENT OF BOIRAGIMOTH
KACHARI GAON
PO
PS AND DIST DIBRUGARH
ASSAM 786001

3:MRS. ANUSUYA DOWERAH
D/O ASWINI DOWERAH
RESIDENT OF BOIRAGIMOTH
KACHARI GAON
PO
PS AND DIST DIBRUGARH
ASSAM 786001

4:MRS. JYOTI BORAH @ LIZA BARUAH
W/O MR SANDESWAR BARUAH
RESIDENT OF KHARGHULI HILL
BELTOLA
GUWAHATI
ASSAM 781004

5:MRS. JYOTSNA BORAH(SAIKIA)
RESIDENT OF BORDOLOI NAGAR
NEAR INCOME TAX OFFICE
PO
PS AND DIST TINSUKIA
ASSAM 786156

6:MRS. JURI BORAH(PHUKAN)
W/O CHINANTAN PHUKAN
RESIDENT OF DEODHARI GAON
PO AND PS CHABUA
DIST DIBRUGARH
ASSAM 78618

For the Appellant(s) : Mr. S. Khound, Advocate
: Mr. J. Paulo, Advocate

For the Respondent(s) : Mr. Shisir Dutta, Sr. Advocate
: Mr. S. Dutta, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 22.04.2024

1. The instant appeal has been filed under Order XLIII Rule 1(r) challenging the order dated 09.08.2023 passed in Misc. (J) Case No.42/2021 in Title Suit No.25/2021 whereby the learned Court of the Civil Judge, (Senior Division) at Dibrugarh had directed the parties to maintain status quo in respect to the nature, character, status, ownership and possession of the suit property.
2. The learned counsel for the appellants submits that taking into account the

order which has been passed, he would not further agitate the instant appeal. However, he submits that the observations so made in the impugned order as well as in the order dated 01.11.2021 in Misc. (J) Case No.42/2021 should not affect the final outcome of the suit.

3. Taking into account the above, the instant appeal stands closed on withdrawal.

4. It is made clear that the withdrawal of the instant appeal and the observations so made by the learned Trial Court shall be restricted to the adjudication of an injunction proceedings and nothing further. The said observations made in the impugned order as well as in the order dated 01.11.2021 in Misc. (J) Case No.42/2021 shall not influence the learned Trial Court while adjudicating the suit.

JUDGE

Comparing Assistant