GAHC010191842023

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

Case No. : I.A.(Civil)/2546/2023

SAMAR ALI AND 2 ORS.
S/O LATE ABDUL GAFUR
RESIDENT OF VILLAGE AMINPARA, MOUZA BARSILAJHAR, PO AMINPARA, PS ROWTA, DIST UDALGURI, BTAD. ASSAM, 784508

2: SAMALA BEWA
W/O LATE ABDUL GAFUR
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD. ASSAM
784508

3: CHAND BHANU
D/O LATE ABDUL GAFUR
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD. ASSAM
78450

VERSUS

SABED ALI @ SABEDULLA AND 8 ORS.
S/O LATE USAN ALI RESIDENT OF VILLAGE AMINPARA, MOUZA BARSILAJHAR, PO AMINPARA, PS ROWTA, DIST UDALGURI, BTAD. ASSAM, 784508

2:FAYEZ ALI
S/O LATE SABED ALI @ SABEDULLA

RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD. ASSAM
784508

3:NUR MOHAMMAD
S/O SABED ALI @ SABEDULLA

RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD. ASSAM
784508

4:ZAKIR HUSSAIN
S/O FAYEZ ALI
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD. ASSAM
784508

5:SADDAM HUSSAIN @ DULU
S/O FAYEZ ALI
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD. ASSAM
784508

6:MAJIBAR RAHMAN
S/O NUR MOHAMMAD
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD. ASSAM
784508

7:SURMAN ALI @ SULEMAN ALI
S/O NUR MOHAMMAD
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD. ASSAM
784508

8:AMZAD ALI
S/O NUR MOHAMMAD
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD. ASSAM
784508

9:SAHED ALI
S/O LATE BOGA SEIKH
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD. ASSAM
78450

Advocate for the Petitioner : S BORGOHAIN

Advocate for the Respondent : MR. A R SHOME

Linked Case : RSA/60/2022

SABED ALI @ SABEDULLA AND ORS.
S/O LATE USAN ALI
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA

DIST UDALGURI
BTAD
ASSAM

2: FAYEZ ALI
S/O SABED ALI @ SABEDULLA

RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD
ASSAM

3: NUR MOHAMMAD
S/O SABED ALI @ SABEDULLA

RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD
ASSAM

4: ZAKIR HUSSAIN
S/O FAYEZ ALI
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD
ASSAM

5: SADDAM HUSSAIN @ DULU
S/O FAYEZ ALI
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD
ASSAM

6: MAJIBAR RAHMAN
S/O NUR MOHAMMAD

RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD
ASSAM

7: SURMAN ALI @ SULEMAN ALI
S/O NUR MOHAMMAD
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD
ASSAM

8: AMZAD ALI
S/O NUR MOHAMMAD
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD
ASSAM

9: SAHED ALI
S/O LATE BOGA SEIKH
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
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VERSUS

SAMAR ALI AND 3 ORS.
S/O LATE ABDUL GAFUR
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD
ASSAM

2:SAMALA BEWA
W/O LATE ABDUL GAFUR
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD
ASSAM
3:CHAND BHANU
D/O LATE ABDUL GAFUR
RESIDENT OF VILLAGE AMINPARA
MOUZA BARSILAJHAR
PO AMINPARA
PS ROWTA
DIST UDALGURI
BTAD
ASSAM
4:JULEKHA KHATUN
D/O LATE SAGIR
W/O NEEL MAMUD
RESIDENT OF EKRABARI

MOUZA BARSILAJHAR
PO ERKABARI
PS ROWTA
DIST UDALGURI
BTAD
ASSAM 784508

Advocate for : MR. S CHAUHAN
Advocate for : S BORGOHAIN (R-1 TO 3) appearing for SAMAR ALI AND 3 ORS.

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

12.01.2024

Heard the learned counsel Mr. A. Biswas appearing for the applicants as well as Mr. A.R. Shome, learned counsel representing the

opposite party/appellants.

This is an application under Order 39 Rule 2A of the Code of Civil Procedure. For disposal of this application, evidence will be required. High Court does not record evidence of witnesses.

Therefore, the application is transferred to the learned trial court for disposal in accordance with the procedure as laid down by law.

JUDGE

Comparing Assistant