GAHC010198542026

undefined

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

Case No. : I.A.(Civil)/3406/2026

SUBIR CHAKRABORTY
SON OF SURENDRA KANTA CHAKRABORTY, RESIDENT OF WARD NO. 4, GOBINDA NAGAR, P.O. P.S. LANKA, DISTRICT HOJAI, ASSAM

VERSUS

PRADIP SINGH
SON OF LATE KESHAR SINGH, RESIDENT OF STATION ROAD, LANKA TOWN, WARD NO. 4, P.O. P.S. LANKA, DISTRICT HOJAI, ASSAM, PIN - 782446.

Advocate for the Petitioner : MR B KAUSHIK, P LHAMU,K BHARALI,MR. S HAZARIKA,MR P BORAH

Advocate for the Respondent : MRS. K DEVI,

Linked Case : I.A.(Civil)/3407/2026

SUBIR CHAKRABORTY
SON OF SURENDRA KANTA CHAKRABORTY
RESIDENT OF WARD NO. 4
GOBINDA NAGAR
P.O. P.S. LANKA
DISTRICT HOJAI
ASSAM.

VERSUS

PRADIP SINGH
SON OF LATE KESHAR SINGH
RESIDENT OF STATION ROAD
LANKA TOWN
WARD NO. 4
P.O. P.S. LANKA
DISTRICT HOJAI
ASSAM
PIN - 782446.

Advocate for : MR B KAUSHIK
Advocate for : MRS. K DEVI appearing for PRADIP SINGH

Linked Case : I.A.(Civil)/2120/2025

SUBIR CHAKRABORTY
SON OF SURENDRA KANTA CHAKRABORTY
RESIDENT OF WARD NO 4
GOBINDA NAGAR
PO AND PS LANKA
DISTRICT HOJAI
ASSSAM

VERSUS

PRADIP SINGH
SON OF LATE KESHAR SINGH
RESIDENT OF STATION ROAD
LANKA TWON
WARD NO 4
DISTRICT HOJAI
ASSAM-782446.

Advocate for : MR. S HAZARIKA
Advocate for : appearing for PRADIP SINGH

Linked Case : FAO/39/2025

SUBIR CHAKRABORTY
SON OF SURENDRA KANTA CHAKRABORTY
RESIDENT OF WARD NO 4
GOBINDA NAGAR
PO AND PS. LANKA
DISTRICT HOJAI
ASSAM

VERSUS

PRADIP SINGH
SON OF LATE KESHAR SINGH
RESIDENT OF STATION ROAD LANKA TOWN
WARD NO 4
DISTRICT HOJAI
ASSAM-782446

Advocate for : MR. S HAZARIKA
Advocate for : N O POMONG appearing for PRADIP SINGH

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

25.11.2026

Heard Shri S. Hazarika, learned counsel for the appellant / applicant. Also heard Ms. K. Devi, learned counsel for the sole respondent.

Considering the subject matter involved and as agreed to by the learned counsel for the parties, the appeal and the connected I.A.s are taken up for disposal.

The appeal has been filed against an order dated 09.06.2025 passed in Misc (J) Case No. 27/2024 arising out of T.S. No. 25/2024, which was filed

under Order XXXIX Rule 1 and 2. The learned Court however, vide the impugned order dated 09.06.2025 had declined to pass any order of injunction.

The learned counsel for the petitioner has submitted that while this appeal was admitted vide order dated 27.06.2025 in the connected I.A. (Civil)/2120/2025, an order of *status quo* has been granted. The subsequent I.A.(Civil)/3406/2026 has been filed by the appellant / applicant alleging violation of the order of *status quo*.

Ms. Devi, the learned counsel for the respondent has however candidly submitted that as a matter of a fact, the premises was opened only on one day and thereafter the *status quo* has been maintained strictly. She has also informed that her client is aged about 75 years.

After considering the facts and circumstances, this Court is of the opinion that instead of keeping this appeal pending, the learned Trial Court be directed to take up the suit and dispose of the same in accordance with law. However to balance the equities and in the interest of justice, it is provided that till the suit is disposed of, the order of *status quo* passed by this Court shall remain operative.

The appeal along with all the I.A.s accordingly stands disposed of.

JUDGE

Comparing Assistant