GAHC010239862026

2026:GAU-AS:15992

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

Case No. : CRP(IO)/568/2026

MD. MEHBUB ALI @ NITUMONI AND ANR
SON OF LATE MANSUR ALI, RESIDENT OF CHANDMARI, GOLAGHAT TOWN, P.O. AND DISTRICT- GOLAGHAT, ASSAM

2: MD JAKIR ALI
SON OF LATE MANSUR ALI
RESIDENT OF CHANDMARI
GOLAGHAT TOWN
P.O. AND DISTRICT- GOLAGHAT
ASSA

VERSUS

SMT. GITI DAS AND 3 ORS.
DAUGHTER OF LATE DINESH DAS, RESIDENT OF GREEN ROAD, WARD NO. 9, GOLAGHAT TOWN, P.O. AND DISTRICT- GOLAGHAT, ASSAM, PIN- 785621

2:SMT DEEPALI DAS
WIFE OF LATE DINESH DAS
RESIDENT OF GREEN ROAD
WARD NO. 9
GOLAGHAT TOWN
P.O. AND DISTRICT- GOLAGHAT
ASSAM
PIN- 785621

3:SMT. BORNALI DAS
DAUGHTER OF LATE DINESH DAS
RESIDENT OF GREEN ROAD
WARD NO. 9
GOLAGHAT TOWN
P.O. AND DISTRICT- GOLAGHAT
ASSAM

PIN- 785621

4:ON THE DEATH OF BIJOY DAS (SON OF LATE DINESH DAS)
HIS LEGAL HEIR
TAPAN DAS
RESIDENT OF GREEN ROAD
WARD NO. 9
GOLAGHAT TOWN
P.O. AND DISTRICT- GOLAGHAT
ASSAM
PIN- 78562

Advocate for the Petitioner : MR. A R SIKDAR, J A SIKDAR,MR. S I TALUKDAR

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 02.11.2026

1. Heard Mr. A. R. Sikdar, learned counsel for the petitioners.

2. This is an application under Article 227 of the Constitution of India read with Section 115/151 of the Code of Civil Procedure challenging the order dated 03.08.2026, passed by the learned Civil Judge Junior Division No.1, Golaghat in Title Suit No.34/2021.

3. The petitioners are the plaintiffs before the Trial Court. They prayed for calling the case records of Title Execution Case No.03/1998.

4. It may be mentioned that the petitioners being the plaintiffs had filed the same prayer before the Court, which was presided by another Judicial Officer. On 30.06.2023, the said prayer was rejected on the ground that the petitioners are at liberty to file certified copied of the said execution case record. This time, the learned

Court had held that since such a prayer was earlier rejected, the fresh prayer is not maintainable.

5. I have considered the submissions made by learned counsel for the petitioners and have also gone through the record.

6. When the plaintiffs had prayed to call for the record of Title Execution Case No.03/1998, the Trial Court should have allowed the prayer instead of asking the plaintiffs to precede certified copies of that order.

7. This Court is of the opinion that the order dated 30.06.2023 as well as 03.08.2026 are not good orders. Both the orders are set aside.

8. The Trial Court shall call for the case record of the Title Execution Case No.03/1998 and after that the Trial Court shall proceed to dispose of the case in accordance with the procedure as laid down by law.

9. With the aforesaid direction, the Civil Revision Petition stands disposed of.

JUDGE

Comparing Assistant