

GAHC010006112017



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

Case No. : RSA 204/2018

1:SRI NARAYAN HAJARIKA
S/O LATE TABHURAM HAZARIKA
RAJABAHAR GAON, DERGAON TOWN
WARD NO 9
P.O. DERGAON, DISTRICT GOLAGHAT
ASSAM

VERSUS

1:SRI SONESWAR DAS and 5 ORS
S/O LATE MUKHESWAR DAS
DAKHINDOLIA HAHSORA GAON
MOUZA MISAMORA
DISTRICT GOLAGHAT
ASSAM

2:PROBIN DAS
S/O SRI SONESWAR DAS
R/O VILL. DAKHINDALIJALIA HANSARA GAON
MOUZA MISAMORA
DIST. GOLAGHAT
ASSAM.

3:SRI SUBUDH DAS
S/O SRI SONESWAR DAS
R/O VILL. DAKHINDALIJALIA HANSARA GAON
MOUZA MISAMORA
DIST. GOLAGHAT
ASSAM.

4:DULU DAS
S/O SRI SONESWAR DAS
R/O VILL. DAKHINDALIJALIA HANSARA GAON
MOUZA MISAMORA

DIST. GOLAGHAT
ASSAM.

5:KETEKI DAS
W/O SRI SOMESWAR DAS
R/O VILL. DAKHINDALI JALIA HANSARA GAON
MOUZA MISAMORA
DIST. GOLAGHAT
ASSAM.

6:THE STATE OF ASSAM
REPRESENTED BY THE DEPUTY COMMISSIONER GOLAGHAT
DIST GOLAGHAT
78562

Advocate for the Petitioner : MR A DASGUPTA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 23-07-2018

Heard Mr. A. Dasgupta, learned counsel appearing for the appellant.

This appeal under Section 100 CPC is directed against the first appellate judgment and decree dated 11.09.2017 passed by the learned Civil Judge, Golaghat in Title Appeal No. 2/2016, thereby affirming the judgment and decree dated 11.12.2015 passed by the learned Munsiff No. 1, Golaghat in Title Suit No. 14/2004.

The appeal is admitted on the following substantial question of law:-

“Whether the judgment passed by both the Courts below without any adjudication on issue No. 5 being, whether the plaintiff allowed the defendants to cultivate any crops over the suit land as tenant under him are sustainable?, which amounts to direct issue No. 5 undecided.”

The appellant is permitted to raise any other substantial question of law as may arise in course of hearing.

Call for the records.

Issue usual notices made returnable on 14.09.2018.

The appellant shall take steps for service of notice on the respondents by usual process as well as by registered post within a period of three days.

List the matter on 14.09.2018.

JUDGE

Comparing Assistant