

GAHC010008032019



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

Case No. : I.A.(Civil) 223/2019

1:MD. ABDUL REJAK AND ANR
S/O- LATE KEMU MIA @ KERAMAT ALI
R/O- VILL.- RANGALAU, MOUZA- KATHIATALI, P.O.- RANGALAU, DIST.-
NAGAON, ASSAM, PIN- 782427

2: MD. MAFIZUDDIN
S/O- LATE KEMU MIA @ KERAMAT ALI
R/O- VILL.- RANGALAU
MOUZA- KATHIATALI
P.O.- RANGALAU
DIST.- NAGAON
ASSAM
PIN- 78242

VERSUS

1:MD. ABDUL HUSSAIN AND 4 ORS.
S/O- ANFAR ALI

2:MD. ABU TALAB
S/O- ANFAR ALI

3:ON THE DEATH OF ABU BAKKAR
HIS LEGAL HEIRS REPRESENTING
VILL.- RANGALAU GAON
P.O.- JUMARMUR
P.S.- KAMPUR
PIN- 782427
DIST.- NAGAON
ASSAM

3.1:MUSSTT. NUR JAHAN
W/O- LATE ABU BAKKAR
R/O- VILL.- RANGALAU GAON

P.O.- JUMARMUR
P.S.- KAMPUR
PIN- 782427
DIST.- NAGAON
ASSAM

3.2:MD. ABU TAHAR
S/O- LATE ABU BAKKAR
R/O- VILL.- RANGALAU GAON
P.O.- JUMARMUR
P.S.- KAMPUR
PIN- 782427
DIST.- NAGAON
ASSAM

3.3:MUSSTT. SALEMA KHATOON
W/O- ABDUL HUSSAIN
D/O- LATE ABU BAKKAR
R/O- VILL.- RANGALAU GAON
P.O.- JUMARMUR
P.S.- KAMPUR
PIN- 782427
DIST.- NAGAON
ASSAM

3.4:MUSSTT. SULEMA KHATOON
W/O- SIRAJUL ISLAM
D/O- LATE ABU BAKKAR
R/O- VILL.- RANGALAU GAON
P.O.- JUMARMUR
P.S.- KAMPUR
PIN- 782427
DIST.- NAGAON
ASSAM

3.5:MUSSTT. RABIA KHATOON
W/O- MOGBUL
R/O- VILL. AND P.O.- BAJIAGAON
P.S.- SAMAGURI
DIST.- NAGAON
ASSAM
PIN- 782140

3.6:GOLAPI KHATOON
W/O- KHAIRUL
R/O- VILL. - KATIMARI PATHAR
P.O.- HEURAPATI
P.S.- SADAR

DIST.- NAGAON
ASSAM
PIN- 782002

3.7:MUSSTT. ASHMINA KHATOON
W/O- NABI HUSSAIN
D/O- LATE ABU BAKKAR
R/O- VILL. - URIAGRANT
TUBUKI
P.O.- JUMARMUR
P.S.- KAMPUR
DIST.- NAGAON
ASSAM
PIN- 782427

4:MD. SOFIRUDDIN
S/O- LATE ADAM ALI

5:MD. AMIRUDDIN
S/O- LATE AIAS ALI
BOTH ARE RESIDENTS OF VILL.- RANGALAU
MOUZA- KATHIATALI
P.S.- KAMPUR
P.O.- RANALU
DIST.- NAGAON
ASSAM
PIN- 78242

Advocate for the Petitioner : MR. A C SARMA

Advocate for the Respondent : MR. A R SIKDAR

Linked Case : RSA 92/2014

1:ABDUL REJAK and ANR.

2: MD.MAFIZUDDIN

BOTH ARE SONS OF LATE KEMU MIA ALIAS KERAMAT ALI
BOTH ARE RELIGION MUSLIM
BY OCCUPATION
CULTIVAOR

R/O VILL. RANGALAU
MOUZA KATHAIATALI
P.O. RANGALAU
DIST. NAGAON
ASSAM.
VERSUS

1:ABUL HUSSAIN and 5 ORS.

2:MD. ABU TALAB

3:ABU BAKKAR
ALL ARE SONS OF ANFAR ALI

4:MD. SOFIRUDDIN
S/O LATE ADAM ALI

5:MD. AMIRUDIN
S/O LATE AIAS ALI
ALL ARE BY RELIGION MUSLIM
BY OCCUPATION CULTIVATOR
R/O VILL. RANALU
MOUZA KATHIATALI
P.S. KAMPUR
P.O. RANALU
DIST. NAGAON
ASSAM.

6:DHANSING MIKIR
S/O LATE SARUMON MIKIR
R/O DENGAN
MOUZA NAMATI, P.S. HOWRAGHAT
DIST. KARBI ANGLONG, ASSAM.

Advocate for the Petitioner : MR.B HALDAR
Advocate for the Respondent : MRA K AHMEDR-3ito3vii

BEFORE
HONOURABLE MR. JUSTICE PRASANTA KUMAR DEKA

ORDER

Date : 20-02-2019

Heard Mr. A. C. Sarma learned Senior Counsel assisted by Mr. G. Bharadwaj ,

learned counsel for the appellants. Also heard Mr. A. R. Sikdar, learned counsel for the respondents.

The second appeal arose out of the suit filed in the year 2000 arising out of Title Suit No. 1/2000 by the present appellants as plaintiffs. As an application under Order 41 Rule 27 of the CPC is filed, as such, this second appeal be taken up for hearing on 14.5.2019, on which date the connected petition for additional evidence shall also be considered.

JUDGE

Comparing Assistant