

GAHC010008952026



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

Case No. : CRP(IO)/20/2026

RAHMAT ALI
S/O SOLEMAN ALI, R/O VILL- SHARDARPARA, P.O.- DHAIGAON, P.S.-
KRISHNAI, DIST- GOALPARA, ASSAM

VERSUS

ARIFUDDIN
S/O LATE AJIMUDDIN, R/O SHARDARPARA, P.O.- DHAIGAON, P.S.-
KRISHNAI, DISTRICT- GOALPARA, ASSAM, PIN- 783126.

Advocate for the Petitioner : MR. M A SHEIKH, MR. W A SHEIKH, MS F INTAZ

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 09.02.2026

Heard Mr. M.A. Sheikh, learned counsel for the petitioner.

2. Aggrieved by the order dated 22.10.2025, passed by the learned Civil Judge (Junior Division) No. 1-cum-JMFC, Goalpara, in Misc. (J) Case No. 40/2024, arising out of Title Suit No. 62/2020, the petitioner has approached

this Court by filing the present petition, under Article 227 of the Constitution of India.

3. Notably, the learned trial Court, vide impugned order dated 22.10.2025, had allowed the application filed by the plaintiff/respondent herein, under Order 6 Rule 17, read with Section 151 CPC, by imposing a cost of Rs. 2,000/- upon the petitioner.

4. Mr. Sheikh, learned counsel for the petitioner submits that by filing the aforementioned application, the plaintiff/respondent herein has challenged his entire stand, which according to Mr. Sheikh, is not permissible, and under such circumstances, Mr. Sheikh has contended to allow this petition. Mr. Sheikh further submits that in the event of issuing notice to the respondent, further proceeding of Title Suit No. 62/2020, may be stayed.

5. The submission of Mr. Sheikh, learned counsel for the petitioner needs further consideration.

6. At this stage, notice be issued to the respondent, returnable in four weeks.

7. Steps be taken upon the respondent by way of speed post within a week from today.

8. List the matter after four weeks.

9. Interim prayer of the petitioner will be considered on returnable date.

JUDGE

Comparing Assistant