

GAHC010013492021



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

Case No. : RSA/112/2023

ABEYA BEWA AND 7 ORS.

D/O LATE ABIR UDDIN BEPARI, RESIDENT OF VILLAGE JHAWDANGA
PART III (KODOMTOLI) PO JHOWDANGA, PS MANKACHAR, DIST DHUBRI
(NOW SOUTH SALMARA, MANKACHAR) ASSAM, PIN 783131

2: TAIBOR RAHMAN

S/O LATE HASIM UDDIN
RESIDENT OF VILLAGE JHAWDANGA PART III (KODOMTOLI) PO
JHOWDANGA
PS MANKACHAR
DIST DHUBRI (NOW SOUTH SALMARA
MANKACHAR) ASSAM
PIN 783131

3: LAL MIA

S/O LATE HASIM UDDIN
RESIDENT OF VILLAGE JHAWDANGA PART III (KODOMTOLI) PO
JHOWDANGA
PS MANKACHAR
DIST DHUBRI (NOW SOUTH SALMARA
MANKACHAR) ASSAM
PIN 783131

4: ZIADUL ISLAM

S/O LATE HASIM UDDIN
RESIDENT OF VILLAGE JHAWDANGA PART III (KODOMTOLI) PO
JHOWDANGA
PS MANKACHAR
DIST DHUBRI (NOW SOUTH SALMARA
MANKACHAR) ASSAM
PIN 783131

5: RASHIDUL ISLAM @ASHIDUL

S/O LATE HASIM UDDIN

RESIDENT OF VILLAGE JHAWDANGA PART III (KODOMTOLI) PO
JHOWDANGA
PS MANKACHAR
DIST DHUBRI (NOW SOUTH SALMARA
MANKACHAR) ASSAM
PIN 783131

6: SOLEMA BEWA
W/O LATE HASIM UDDIN
RESIDENT OF VILLAGE JHAWDANGA PART III (KODOMTOLI) PO
JHOWDANGA
PS MANKACHAR
DIST DHUBRI (NOW SOUTH SALMARA
MANKACHAR) ASSAM
PIN 783131

7: NASIMA BIBI
D/O LATE HASIM UDDIN
RESIDENT OF VILLAGE JHAWDANGA PART III (KODOMTOLI) PO
JHOWDANGA
PS MANKACHAR
DIST DHUBRI (NOW SOUTH SALMARA
MANKACHAR) ASSAM
PIN 783131

8: HARENA BEWA
D/O LATE HASIM UDDIN
RESIDENT OF VILLAGE JHAWDANGA PART III (KODOMTOLI) PO
JHOWDANGA
PS MANKACHAR
DIST DHUBRI (NOW SOUTH SALMARA
MANKACHAR) ASSAM
PIN 78313

VERSUS

ISMAL HOSEN AND 4 ORS.
SO LATE ABUL HOSEN, RESIDENT OF VILLAGE JHAWDANGA PART III
(KODOMTOLI) PO JHOWDANGA, PS MANKACHAR, DIST DHUBRI (NOW
SOUTH SALMARA, MANKACHAR) ASSAM, PIN 783131

2:AJIBOR RAHMAN
SO LATE ABUL HOSEN
RESIDENT OF VILLAGE JHAWDANGA PART III (KODOMTOLI) PO
JHOWDANGA
PS MANKACHAR
DIST DHUBRI (NOW SOUTH SALMARA
MANKACHAR) ASSAM

PIN 783131

3:JENNAT ALI
SO LATE ABUL HOSEN
RESIDENT OF VILLAGE JHAWDANGA PART III (KODOMTOLI) PO
JHOWDANGA
PS MANKACHAR
DIST DHUBRI (NOW SOUTH SALMARA
MANKACHAR) ASSAM
PIN 783131

4:RAHIMA BEWA
D/O LATE ABUL HOSEN
RESIDENT OF VILLAGE JHAWDANGA PART III (KODOMTOLI) PO
JHOWDANGA
PS MANKACHAR
DIST DHUBRI (NOW SOUTH SALMARA
MANKACHAR) ASSAM
PIN 783131

5:JOYNAB BEWA
DO LATE ABUL HOSEN
RESIDENT OF VILLAGE JHAWDANGA PART III (KODOMTOLI) PO
JHOWDANGA
PS MANKACHAR
DIST DHUBRI (NOW SOUTH SALMARA
MANKACHAR) ASSAM
PIN 78313

Advocate for the Petitioner : MR. R DE

Advocate for the Respondent : MS. P BHATTACHARYA

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

29.09.2023

Heard Mr. R. De, learned counsel for the appellants as well as Mr. K. Bhattacharya, learned counsel for the respondents.

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

1. Whether the court below decided the material issues mechanically by

deviating from the established principles and ingredients of Oral Gift under Mohammendan law and thereby came to an erroneous finding?

2. Whether the plaintiffs/respondents have been able to discharge their burden as per the provisions of Section 67, Section 101 and Section 102 of the Indian Evidence Act, 1872?

The appellant shall be at liberty to raise any other substantial questions of law at the time of hearing.

Issue Notice.

No formal notice is required to be issued on the respondents as Mr. K. Bhattacharya has accepted notice on behalf of the all respondents. However, extra copy of the memo of appeal be furnished to him.

Call for the LCR.

List after four weeks.

Name of Mr. K. Bhattacharya shall be shown in the cause list as the counsel for the appellants.

JUDGE

Comparing Assistant