

GAHC010017282026



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

Case No. : CRP(IO)/28/2026

SOFATUNNESSA LASKAR AND 7 ORS.
WIFE OF LATE AZIZUR RAHMAN LASKAR, RESIDENT OF DOYAPORE PART II,
P.O.- DOYAPUR, P.S.- UDARBOND, PIN- 788030, DIST- CACHAR, ASSAM

2: MOTLIBUR RAHMAN LASKAR
SON OF LATE AZIZUR RAHMAN LASKAR
RESIDENT OF DOYAPORE PART II
P.O.- DOYAPUR
P.S.- UDARBOND
PIN- 788030
DIST- CACHAR
ASSAM

3: MOHBUBUR RAHMAN LASKAR
SON OF LATE AZIZUR RAHMAN LASKAR
RESIDENT OF DOYAPORE PART II
P.O.- DOYAPUR
P.S.- UDARBOND
PIN- 788030
DIST- CACHAR
ASSAM

4: ALIUR RAHMAN LASKAR
SON OF LATE AZIZUR RAHMAN LASKAR
RESIDENT OF DOYAPORE PART II
P.O.- DOYAPUR
P.S.- UDARBOND
PIN- 788030
DIST- CACHAR
ASSAM

5: SHELLY BEGUM LASKAR
WIFE OF NAZIM UDDIN LASKAR
RESIDENT OF VILLAGE AND P.O. BANSKHANDI

PIN-788101
DISTRICT-CACHAR
ASSAM

6: AYESHA BEGUM LASKAR
WIFE OF ENAM UDDIN LASKAR
RESIDENT OF RONGPUR PANITOLA
SILCHAR
P.O. RONGPUR
PIN-788009
DIST- CACHAR
ASSAM

7: NAZIA BEGUM LASKAR
DAUGHTER OF LATE AZIZUR RAHMAN LASKAR
RESIDENT OF DOYAPORE PART II
P.O.- DOYAPUR
P.S.- UDARBOND
PIN- 788030
DIST- CACHAR
ASSAM

8: TASLIMMA BEGUM LASKAR
DAUGHTER OF LATE AZIZUR RAHMAN LASKAR
RESIDENT OF DOYAPORE PART II
P.O.- DOYAPUR
P.S.- UDARBOND
PIN- 788030
DIST- CACHAR
ASSA

VERSUS

ON THE DEATH OF LUTFA BEGUM, HER LEGAL HEIRS, HUSSAIN AHMED
MAZUMDER AND 6 ORS.

W/O MAKBUL ALI BARBHUIYA, RESIDENT OF DOYAPORE PART II, P.O.-
DOYAPUR, P.S.- UDARBOND, PIN- 788030, DIST- CACHAR, ASSAM

2:RAIZUL ISLAM MAZUMDER
SON OF NURUL ISLAM MAZUMDER
RESIDENT OF DOYAPORE PART II
P.O.- DOYAPUR
P.S.- UDARBOND
PIN- 788030
DIST- CACHAR
ASSAM

3:SAMSUL ISLAM MAZUMDER

SON OF NURUL ISLAM MAZUMDER
RESIDENT OF DOYAPORE PART II
P.O.- DOYAPUR
P.S.- UDARBOND
PIN- 788030
DIST- CACHAR
ASSAM

4:AMIRUL ISLAM MAZUMDER
SON OF NURUL ISLAM MAZUMDER
RESIDENT OF DOYAPORE PART II
P.O.- DOYAPUR
P.S.- UDARBOND
PIN- 788030
DIST- CACHAR
ASSAM

5:AYESHA BEGUM MAZUMDER
DAUGHTER OF NURUL ISLAM MAZUMDER
RESIDENT OF DOYAPORE PART II
P.O.- DOYAPUR
P.S.- UDARBOND
PIN- 788030
DIST- CACHAR
ASSAM

6:FARHANA BEGUM MAZUMDER
DAUGHTER OF NURUL ISLAM MAZUMDER
RESIDENT OF DOYAPORE PART II
P.O.- DOYAPUR
P.S.- UDARBOND
PIN- 788030
DIST- CACHAR
ASSAM

7:NURUL ISLAM MAZUMDER
SON OF KHAIRUL ISLAM MAZUMDER
RESIDENT OF DOYAPORE PART II
P.O.- DOYAPUR
P.S.- UDARBOND
PIN- 788030
DIST- CACHAR
ASSA

Advocate for the Petitioner : MR. S D PURKAYASTHA, J P BAISHYA,MR. JITU SAIKIA

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 13.02.2026

Heard Mr. S.D Purkayastha, learned counsel for the petitioners.

2. Order dated 20.12.2025, passed by the learned Additional District Judge (FTC), Cachar, Silchar, in Title Appeal No. 2/2023, is challenged in this petition, under Article 227 of the Constitution of India.

3. Notably, vide impugned order dated 20.12.2025, the learned Additional District Judge (FTC), Cachar, Silchar ('appellate Court', for short) had allowed the petition No. 117/3, filed by the respondents herein and thereafter, framed as many as 17 numbers of additional issues.

4. Mr. Purkayastha, learned counsel for the petitioners submits that the learned Civil Judge No. 2, Cachar, Silchar ('trial Court', for short) had framed as many as 7 issues and thereafter, hearing both the parties and taking evidence, decreed the Title Suit No. 41/2007, filed by the petitioners herein, vide judgment and decree dated 23.12.2022. Mr. Purkayastha submits that thereafter, the respondents herein had preferred one title appeal, being Title Appeal No. 2/2023, before the learned appellate Court, wherein the respondents herein filed one petition, being petition No. 117/3, for framing of additional issues and the learned appellate Court had allowed the same and framed as many as 17 issues and posted the case for evidence on 26.03.2026.

5. To a pointed query of this Court, Mr. Purkayastha, learned counsel for the petitioners submits that though 17 issues, so framed by the learned appellate Court, were not framed by the learned trial Court, yet the issue No. 4, which

was framed by the learned trial Court, had covered all the 17 issues framed by the learned appellate Court. However, he submits that the issues, so framed by the learned appellate Court are born out of the facts pleaded by the parties in their pleadings and same were tried under the issue No. 4.

6. The submission of Mr. Purkayastha, learned counsel for the petitioners needs further consideration.

7. At this stage, notice be issued to the respondents, returnable on 18.03.2026.

8. Steps be taken upon the respondents by way of speed post as well as by usual process within a week from today.

9. List the matter on 18.03.2026.

JUDGE

Comparing Assistant