

GAHC010019872026



undefined

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

Case No. : CRP(IO)/22/2026

DILBOR MOLLAH AND ANR
S/O LATE KAMALUDDIN MOLLAH, R/O VILL- JHAGRA PART-I, G.T.B.
ROAD, P.O.- JHAGRAPAR, P.S.- DHUBRI, DIST- DHUBRI, ASSAM

2: AZIAL HOQUE
S/O HURMUJ ALI
R/O JHAGRAPAR PART-III
P.O.-JHAGRAPAR
P.S- DHUBRI
DIST- DHUBRI
ASSAM

VERSUS

CHAND MIAH AND 3 ORS.
S/O LATE MOHAMMAD ALI, R/O VILL- JHAGRAPAR PART -IV, P.O.-
JHAGRAPAR, P.S.- DHUBRI, DIST- DHUBRI, ASSAM. PIN-

2:NOWSHAD ALI
S/O LATE ABUL KASHEM BEPARI
R/O B.N. COLLEGE ROAD
NAYA MASJID
DHUBRI
P.O.- BIDYAPARA
P.S.- DHUBRI
DIST- DHUBRI
ASSAM
PIN-

3:HUSSAIN ALI SK
S/O LATE ABDUL KADER DEWANI
R/O VILL- JHAGRAPAR PART-III
P.O.- JHAGRAPAR PART-III
P.O.-JHAGRAPAR

P.S.- DHUBRI
DIST- DHUBRI
ASSAM
PIN-

4:JOHIRUL ISLAM
S/O LATE ABDUL KADER DEWANI
R/O VILL- JHAGRAPAR PART-III
P.O.-JHAGRAPAR
P.S.- DHUBRI
DIST- DHUBRI
ASSAM
PIN

Advocate for the Petitioner : MR J MOLLAH, MS. S P DAS,MR. S NATH

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date :09.02.2026

Heard Mr. S. Nath, learned counsel for the petitioners.

2. Aggrieved by the order dated 31.10.2025, passed by the learned Civil Judge (Senior Division), Dhubri, in Misc. (J) Case No. 77/2025, arising out of Title Suit No. 32/2018, the petitioners have approached this Court by filing the present petition, under Article 227 of the Constitution of India, read with Section 151 CPC.

3. Notably, the learned trial Court, vide impugned order dated 31.10.2025, has kept in abeyance the proceeding under Order 39 Rule 2A CPC, which was initiated pursuant to the order of this Court dated 29.07.2024, in FAO No. 43/2023, wherein this Court was pleased to direct the parties to maintain status quo in respect of the suit land till disposal of the title suit.

4. Mr. Nath, learned counsel for the petitioners submits that while the proceeding, initiated by the petitioners before the learned trial Court, under Order 39 Rule 2A CPC, was pending, then the plaintiffs/petitioners had filed one amendment petition for impleadment of some new parties, and while dealing with the said petition, being Misc. (J) Case No. 78/2025, the learned trial Court has kept in abeyance the proceeding, under Order 39 Rule 2A CPC, which according to Mr. Nath, is not permissible, and under such circumstances, Mr. Nath has contended to admit this petition and issue notice to the respondents, and also to stay the impugned order dated 31.10.2025.

5. The submission of Mr. Nath, learned counsel for the petitioners needs further consideration.

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

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

8. Further, considering the submission of Mr. Nath, learned counsel for the petitioners and also considering the facts and circumstances on the record, the operation of the impugned order dated 31.10.2025, passed by the learned trial Court, in Misc. (J) Case No. 77/2025, arising out of Title Suit No. 32/2018, stands stayed till returnable date.

9. List the matter after four weeks.

JUDGE

Comparing Assistant