

GAHC010025172026



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

Case No. : FAO/11/2026

MOHAN CHANDRA DEKA
SON OF LATE SARAT CHANDRA DEKA, RESIDENT OF HOUSE NO. 7,
OPPOSITE DISPUR HOSPITAL, AMRITPUR LANE, GANESHGURI, DISTRICT-
KAMRUP METRO, GUWAHATI- 781006, ASSAM, PRESENTLY RESIDING AT
PANJABARI (MADHUBAN APARTMENT), OPPOSITE SRIMANTA
SANKARDEVA KALAKSHETRA, PANJABARI, GUWAHATI, DIST- KAMRUP
(M), ASSAM

VERSUS

RAJENDRA KUMAR DEKA
SON OF LATE SARAT CHANDRA DEKA, RESIDENT OF HOUSE NO. 27,
JYOTI PATH (11TH BYE LANE), LAKHIMI NAGAR, HATIGAON, GUWAHATI,
DISTRICT- KAMRUP METRO, ASSAM- 781038

Advocate for the Petitioner : MR. A K JAIN,

Advocate for the Respondent : MR D DEKA, MD F FARIDI

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 01.04.2026

1. Heard Mr. A.K. Jain, learned counsel for the appellant. Also heard Mr. F. Faridi, learned counsel for the sole respondent.

2. Learned counsel for the respondent who submits that the respondent has entered his appearance in this appeal today, only however, he submits that the present respondent who is the defendant/opposite party in the Title Suit No. 46/2026 as well as Misc(J) Case No. 85/2026, pending before the Court of the learned Civil Judge (Senior Division) No.2, Kamrup (M) at Guwahati has appeared before the Trial Court on 5th March.
3. It is also submitted at bar that next date of the Misc(J) Case No. 85/2026 is fixed before the Trial Court is tomorrow i.e., **2nd of April, 2026.**
4. The learned counsel for the respondent submits that the respondent will be contesting the Misc(J) Case No. 85/2026 before the Trial Court by filing written objection. He would also be contesting the Title Suit No. 46/2026 by filing written statement. He submits that the respondent is agreeable to maintain status quo in respect of suit property regarding the pendency of the Misc(j) Case No. 85/2026 before the Trial Court.
5. Learned counsel for the appellant submitted that this appeal may be disposed of in terms of the submission made by the learned counsel for the respondent.
5. I have considered the submission made by the learned counsel for the respondent. Instant appeal was against refusal of the Trial Court to issue an ex-parte ad had interim injunction restraining the respondent from continuing with the construction over schedule-C land and as parties are agreeable maintain status quo in respect of the suit property and as matter is pending before the Trial Court, this appeal is disposed of with a direction that the respondent shall maintain status quo in respect of the schedule-C land during the pendency of the Misc(J) Case No. 85/2026, before the Court of learned Civil Judge (Senior Division) No.2 Kamrup (M) Guwahati.
6. The Trial Court shall made all endeavors to dispose of the aforesaid Misc(J) case as expeditiously as possible.
6. The observations made by this Court in this order shall have no bearing on the Trial Court while deciding the Misc(j) Case No. 85/2026.
7. This appeal is accordingly disposed of.

JUDGE

Comparing Assistant