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

Case No. : CRP(IO)/40/2026

MANJIT SINGH
SON OF LATE SWARN SINGH, RESIDENT OF N.T. ROAD, WARD NO. 9,
NORTH LAKHIMPUR TOWN, DISTRICT- LAKHIMPUR, ASSAM.

VERSUS

MRS. ARVINDER KAUR AND 3 ORS.
WIFE OF LATE MANMOHAN SINGH, D/O LATE SWARN SINGH, RESIDENT
OF HOUSE NO. 208, CHANDNAGAR, NEW DELHI-18

2:MRS KAWALJEET KAUR
WIFE OF SRI JAGJEET SINGH
D/O LATE SWARN SINGH
RESIDENT OF WZ- 35/A
PART- I
VISHNU GARDEN
NEW DELHI- 18

3:HARMINDER PAL SINGH
SON OF LATE SWARN SINGH
RESIDENT OF N.T. ROAD
WARD NO. 9
NORTH LAKHIMPUR TOWN
DISTRICT- LAKHIMPUR
ASSAM
PIN-787001.

4:MRS. PARWINDER KAUR
W/O SRI SUKHWANT SINGH
D/O LATE SWARN SINGH
R/O BADUTI ROAD
WARD NO. 4

BIHUPURIA TOWN
DIST- LAKHIMPUR
ASSAM
PIN-78416

Advocate for the Petitioner : MR. D CHAKRABARTY, MS D.CHAKRABARTY

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 18.02.2026

Heard Mr. D. Chakrabarty, learned counsel for the petitioner.

2. In this petition, under Article 227 of the Constitution of India, the petitioner has challenged the order dated 03.02.2026, passed by the learned Civil Judge (Senior Division), Lakhimpur, in petition No. 2098/25, arising out of Title Appeal No. 10/2025.

3. It is to be noted here that vide impugned order dated 03.02.2026, the learned Civil Judge (Senior Division), Lakhimpur ('Appellate Court', for short) had allowed the petition under Order 41 Rule 17(2), read with Section 151 CPC, filed by the respondent No. 3.

4. Mr. Chakrabarty, learned counsel for the petitioner submits that under Order 41 Rule 17(2) CPC, the learned Appellate Court has no power to vacate the ex-parte order dated 24.09.2025, and that there is collusion between the respondent No. 3 and the respondent Nos. 1 and 2, and under such circumstances, Mr. Chakrabarty submits that at this stage, notice may be issued to the respondents and further proceeding of Title Appeal No. 10/2025, filed by the present petitioner may be stayed.

5. Having heard the submission of Mr. Chakrabarty, learned counsel for the petitioner, I have carefully gone through the petition and the documents placed on record, and also perused the impugned order dated 03.02.2026.
6. Let 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. Pending further consideration, further proceeding of Title Appeal No. 10/2025, stands stayed till returnable date.
9. List the matter after four weeks.

JUDGE

Comparing Assistant