

GAHC010027042017



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

Case No. : FAO/35/2017

AMIR ALI and 3 ORS
S/O RAJAN ALI

2: TAIABUR RAHMAN @ TERA MIA

S/O REJAN ALI

3: ABDUL BASIT
S/O LATE JAMIR ALI

4: ABDUR ROUF
S/O LATE TAMIR ALI
ALL ARE R/O VILL. JALALPUR
P.O. MALUA
P.S. BADARPUR
DIST. KARIMGANJ
ASSA

VERSUS

MUSSTT NURUBI BIBI @ MUSSTT KARUN BEGUM and 20 ORS
D/O LATE ARJAN ALI, W/O EKLAS ALI, VILL. SWASTAGRAM, P.O.
UMARPUR, P.S. BADARPUR, DIST. KARIMGANJ, ASSAM 788806

2:MUSSTT. SOLIMA BEGUM

D/O LATE ARJAN ALI
VILL. JALALPUR
P.O. MALUA
P.S. BADARPUR
DIST. KARIMGANJ
ASSAM 788806

3:MOIMUNNESSA @ EKLIMA

D/O LATE ARJAN ALI
W/O ABDUL NOOR
VILL. WEST HASHANPUR
P.O. MOHAKAL BLOCK
P.S. BADARPUR
DIST. KARIMGANJ
ASSAM 788806

4:MOKHLIMA BEGUM

D/O LATE ARJAN ALI
W/O ANGUR ALI
VILL. DEORAIL
P.O. and P.S. BADARPUR
DIST. KARIMGANJ
ASSAM 788806

5:FATIMA BEGUM

D/O LATE ARJAN ALI
W/O SIRAJ UDDIN
VILL. NOYAPATHAN
P.O. BHANGABAZAR
P.S. BADARPUR
DIST. KARIMGANJ
ASSAM 788701

6:THE STATE OF ASSAM

REPRESENTED BY THE DEPUTY COMMISSIONER
KARIMGANJ
P.O.
P.S. and DIST. KARIMGANJ
ASSAM
PIN 788710

7:THE CIRCLE OFFICER

BADARPUR
P.O. and P.S. BADARPUR
DIST. KARIMGANJ
ASSAM
PIN 788710

8:THE SUB REGISTRAR
BHANGABAZAR
P.O. BHANGABAZAR

P.S. BADARPUR
DIST. KARIMGANJ
ASSAM
PIN 788710

9:KOMIR ALI

10:ABDUL MANNAN @ CHONTAI
BOTH ARE SONS OF LATE MIRJAN ALI
VILL. JALALPUR
P.O. MALUA
P.S. BADARPUR
DIST. KARIMGANJ
ASSAM 788806

11:HALIMA BEGUM

D/O LATE MIRJAN ALI
W/O LATE ABDUS SAMAD
VILL. MIRJAPUR
P.O. BHANGABAZAR
P.S. BADARPUR
DIST. KARIMGANJ
ASSAM 788701

12:SULEMA BIBI

D/O LATE MIRJAN ALI
W/O IRMAN ALI
VILL. PURBAGOOOL
P.O. ANGLARBAZAR
P.S. BADARPUR
DIST. KARIMGANJ
ASSAM 788806

13:ABDUL NOOR @ NURUJ
S/O KHAIRU BIBI and FORBIN ALI
VILL. WEST HASANPUR
P.O. MOHAKAL BLOCK
P.S. BADARPUR
DIST.KARIMGANJ
ASSAM 788806

14:BEGUM BIBI
D/O KHAIRU BIBI and FORBIN ALI
W/O ABDUL BATIN

VILL. NOIKHAI
P.O. RUPOSHI BARI
P.S. BADARPUR
DIST. KARIMGANJ
ASSAM 788806

15:SAMSU UDDIN

16:SAHAB UDDIN

17:KUTI UDDIN

18:KHALU UDDIN

19:REJAN UDDIN

20:KAMU UDDIN

21:KANU UDDIN

RESPONDENT NOS. 15 TO 21 ARE SONS OF LATE SOJOB ALI AND SOIRUN
BIBI
ALL ARE R/O VILL. SWASTAGRAM
P.O. UMARPUR
P.S. BADARPUR
DIST. KARIMGANJ
ASSAM
PIN 78880

Advocate for the Petitioner : MRS.R CHOUDHURY, MS.N BEGUM,MS.A BEGUM

Advocate for the Respondent : MR. M H RAJBARBHUIYAN(R-2,3,4,5), ADDL. SR. GA, ASSAM
(R-6,7,8),MR G BHARADWAJ(R-2,3,4,5)

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

10-11-2025

Heard Ms. R. Choudhury, learned counsel for the appellants and Mr. M. H. Rajbarbhuiya, learned counsel for the respondent Nos. 2 to 5.

From the office note dated 03.11.2025, it is seen that service is still awaited on the respondent Nos. 1, 10, 15, 16 , 17, 18, 20 and 21.

In that context, Ms. Choudhury, learned counsel for the appellants submitted that the respondents Nos. 9 to 21 are not the necessary parties in this case as it regards only against the order of injunction and accordingly, she prayed that the names of the party respondent Nos. 9 to 21 may be struck off from the cause title of this memo of appeal.

In view of the above, the names of the respondent Nos. 9 to 21 may be struck off from the cause title of this memo of appeal at the risk of the appellants.

Registry shall do the needful in this regard.

Further, it is submitted by Mr. Rajbarbhuiya, learned counsel that he is appearing for the respondent Nos. 2 to 5 and that he has the information that the respondent No.1 had already died, but presently he has no other information.

In that context, Ms. Choudhury, learned counsel submitted that she may be allowed some more time to obtain the instruction in regards to the particulars of the respondent No.1 and in the meantime, the respondents shall also furnish the information in regards to respondent No.1, if any.

The learned counsel for the appellant as well as respondents shall furnish the information with regard to the death of the respondent No.1, so that necessary application may be filed.

Further, Ms. Choudhury, learned counsel submitted that extra copies of the memo of appeal has already been furnish to the Government Advocate, Assam, but their names have not been reflected in the cause list.

In view of the above, Registry is directed to reflect the name of Government Advocate, Assam in the cause list.

List this matter accordingly, on **17.11.2025**.

JUDGE

Comparing Assistant