

GAHC010028632021



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

Case No. : RSA/22/2021

MD. ATOWAR RAHMAN DEWAN AND 2 ORS.
S/O- LATE MUZAFFAR DEWAN, R/O- VILL.- PACHANIAPARA, P.S. AZARA,
DIST.- KAMRUP(M), ASSAM.

2: MD. GOLAM DEWAN
S/O- LATE MUZAFFAR DEWAN
R/O- VILL.- PACHANIAPARA
P.S. AZARA
DIST.- KAMRUP(M)
ASSAM.

3: MD. LUTFUR RAHMAN DEWAN
S/O- LATE MUZAFFAR DEWAN
R/O- VILL.- PACHANIAPARA
P.S. AZARA
DIST.- KAMRUP(M)
ASSAM

VERSUS

MUSTT. MIRA BEGUM AND ANR.
W/O- MD. TAZIMUDDIN, D/O- LATE AZHAR ALI DEWAN, R/O- VILL.-
PACHANIAPARA, P.S. AZARA, DIST.- KAMRUP(M), ASSAM, PIN- 781017.

2:MUSSTT. HIRAN BEGUM
W/O- MD. ALIMUDDIN
D/O- LATE AZHAR ALI DEWAN
R/O- VILL.- PACHANIAPARA
P.S. AZARA
DIST.- KAMRUP(M)
ASSAM
PIN- 781017

Advocate for the Petitioner : MR. L TALUKDAR

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : --23.02.2021

Heard Mr. L. Talukdar, learned counsel appearing for the appellant.

Appeal is admitted for hearing upon the following three substantial question of law :-

- 1. Whether the plaintiffs without disclosing the date of purchase and occupation of the Patta land by the defendants father from plaintiffs' father (since deceased in 1972) could be held to have filed suit for recovery of possession within time limitation under the admitted facts that the defendants occupied the suit land beyond their purchased land measuring 2 Katha 10 lechas ?*
- 2. Whether by their open continuous and notorious possession admittedly since plaintiffs' father's lifetime (pre-1972) till filing of the suit in 2003 the defendants have perfected their possessory title?*
- 3. Whether admitted physical possession of the defendants over the suit land since the lifetime of the plaintiffs' father (1971) could be traced only from defendant's mutation to assert plaintiffs' dispossession without any lota of evidence?*

Issue notice to the respondent.

Appellant shall take steps for service of notice upon respondent by registered post with A/D as well as by usual process.

Call for the LCR.

Upon receipt of the LCR matter shall be listed after four (4) weeks on a date to be fixed by the Registry.

JUDGE

Comparing Assistant