

GAHC010033852026



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

Case No. : CRP(IO)/44/2026

MANGAL BISWAS AND ANR
SON OF DHARANI BISWAS, RESIDENT OF VILLAGE- BALISIHA HABI,
MOUZA- BARCHILAJHAR, POLICE STATION- ROWTA, DISTRICT-
UDALGURI, BTR, ASSAM.

2: SUNIL SHAH
SON OF DINDAYAL SHAH
RESIDENT OF DEURIGAON
GERUA
MOUZA- PUB SIALMARI
POLICE STATION- ROWTA
DISTRICT- UDALGURI
BTR
ASSA

VERSUS

PARSURAM DAS
SON OF LATE NRIPEN DAS, RESIDENT OF VILLAGE- BALISIHA HABI,
POLICE STATION- ROWTA, DISTRICT- UDALGURI, BTR, ASSAM.

Advocate for the Petitioner : MR. DITUL DAS, MR. B J TALUKDAR

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

06.03.2026

[1] Heard Mr. D. Das, the learned counsel for the petitioners.

[2] In this petition, under Article 227 of the Constitution of India read with Section 115 of the Code of Civil Procedure, 1908, the petitioners have put to challenge the order dated 13.11.2025, passed by the learned Civil Judge (Junior Division), Udalguri, in Misc. (J) No. 50/2025, arising out of Title Suit No. 22/2022.

[3] Pursuant to the notice issued by the court as well as order dated 18.02.2026, the petitioners had taken steps by speed post with A/D as well as by usual process and also by way of dasti service and as per Office Note, it appears that dasti service has been effective and affidavit in this regard has also been submitted.

[4] Hence, service on the respondents is complete.

[5] Heard the learned counsel on the prayer for stay of the impugned order dated 13.11.2025, passed by the learned Civil Judge (Junior Division), Udalguri, in Misc. (J) No. 50/2025, arising out of Title Suit No. 22/2022.

[6] It is submitted that by filing the petition of the plaintiffs/respondent under Order VI Rules 16 and 17 of the Code of Civil Procedure, 1908, and permitting the proposed amendments, the nature and character of the suit has been changed and that too after filing of the written statements by the defendants/present petitioners.

[7] Having regard to the fact that despite service of notice, none

has appeared on behalf of the respondent to oppose the prayer as well as in view of what has been submitted on behalf of the petitioners.

[8] In view of the above, the impugned order dated 13.11.2025, passed by the learned Civil Judge (Junior Division), Udalguri, in Misc. (J) No. 50/2025, arising out of Title Suit No. 22/2022 shall remain stayed till the next date of listing.

[9] In the meanwhile, call for the scanned copy of the trial court records.

[10] List again on 27th April, 2026.

JUDGE

Comparing Assistant