

GAHC010037222026



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

Case No. : CRP(IO)/55/2026

MD. ABUL HOSEN @ ABUL HUSSAIN SK AND 4 ORS.
S/O LT. MANIK UDDIN SK, R/O VILL- FALIMARI PT- II, P.O- FALIMARI, P.S-
GAURIPUR, DIST- DHUBRI, ASSAM, PIN- 783325

2: MD. ZAKIR HOSEN @ ZAKIR HUSSAIN
S/O LT. MANIK UDDIN SK
R/O VILL- FALIMARI PT- II
P.O- FALIMARI
P.S- GAURIPUR
DIST- DHUBRI
ASSAM
PIN- 783325

3: MOSTT. NAJIRON BIBI
W/O VEBUD ALI @ JOBED ALI
R/O VILL- FALIMARI PT- II
P.O- FALIMARI
P.S- GAURIPUR
DIST- DHUBRI
ASSAM
PIN- 783325

4: FOTIK ALI
S/O LT. LAGU MONDAL
R/O VILL- FALIMARI PT- II
P.O- FALIMARI
P.S- GAURIPUR
DIST- DHUBRI
ASSAM
PIN- 783325

5: ABDUS SALAM
S/O LT. SATTAR ALI
R/O VILL- FALIMARI PT- II

P.O- FALIMARI
P.S- GAURIPUR
DIST- DHUBRI
ASSAM
PIN- 78332

VERSUS

NUR ISLAM SK AND 5 ORS.
S/O LT. JOYNAL SK, R/O VILL- FALIMARI PT- II, P.O- FALIMARI, P.S-
GAURIPUR, DIST- DHUBRI, ASSAM, PIN- 783325

2:ROFIKUL ISLAM
S/O LT. JOYNAL SK
R/O VILL- FALIMARI PT- II
P.O- FALIMARI
P.S- GAURIPUR
DIST- DHUBRI
ASSAM
PIN- 783325

3:MOHOR ALI
S/O LT. JOYNAL SK
R/O VILL- FALIMARI PT- II
P.O- FALIMARI
P.S- GAURIPUR
DIST- DHUBRI
ASSAM
PIN- 783325

4:SOPIAL HOSSEIN
S/O LT. JOYNAL SK
R/O VILL- FALIMARI PT- II
P.O- FALIMARI
P.S- GAURIPUR
DIST- DHUBRI
ASSAM
PIN- 783325

5:AMENA KHATUN BIBI
D/O LT. JOYNAL SK
R/O VILL- FALIMARI PT- II
P.O- FALIMARI
P.S- GAURIPUR
DIST- DHUBRI
ASSAM
PIN- 783325

6:JOYMANA BIBI
D/O LT. JOYNAL SK
R/O VILL- FALIMARI PT- II
P.O- FALIMARI
P.S- GAURIPUR
DIST- DHUBRI
ASSAM
PIN- 78332

Advocate for the Petitioner : MR. M R KHANDAKAR, MR. A ROHMAN

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

26.02.2026

Heard Mr. M. R. Khandakar, learned counsel for the petitioners.

2. This petition, under Article 227 of the Constitution of India, read with Section 115 of the Code of Civil Procedure, is preferred by the petitioners, who are the defendants in Title Suit No. 152/2022, pending before the Court of the learned Civil Judge (Jr. Div.) No. 3, Dhubri; and they have challenged the Order, dated 05.01.2026, passed by the learned Civil Judge (Jr. Div.) No. 3, Dhubri, in Misc. (J) Case No. 134/2024, in Title Suit No. 152/2022; vide which, the learned Civil Judge (Jr. Div.) No. 3, Dhubri has allowed the amendment petition filed by the respondents herein.

3. Mr. Khandakar, learned counsel for the petitioner submits that the case is pending at the stage of evidence and without showing due diligence on their part, the respondents herein have filed one petition under Order VI Rule 17, for amendment of their plaint in the Title Suit No. 152/2022, and the learned Civil

Judge (Jr. Div.) No. 3, Dhubri, has allowed the same and as such, the impugned Order, dated 05.01.2026, suffers from illegality and the same requires interference of this Court.

3.1 Mr. Khandakar, further submits that further proceeding of said Title Suit No. 152/2022, may be stayed.

4. The submission of Mr. Khandakar needs further consideration.

5. At this stage, notice be issued to the respondents, returnable in 2 (two) weeks.

6. Steps be taken by speed post and also by usual process, within a week from today.

7. List the matter after **2 (two) weeks**.

8. Though, Mr. Khandakar has prayed for staying further proceeding of the Title Suit No. 152/2022, yet, considering the facts and circumstances on the record, instead of staying the proceeding, it is provided that the amendment, so allowed by the learned Civil Judge (Jr. Div.) No. 3, Dhubri, vide impugned Order, dated 05.01.2026; shall be subject to the outcome of this Civil Revision Petition.

9. List accordingly.

JUDGE

Comparing Assistant