

GAHC010042352023



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

Case No. : RSA/25/2023

JAMAT ALI
S/O LATE ABDUL AZIZ,
RESIDENT OF VILLAGE DURAMARI, PO LALMATI, PS ABHAYAPURI, DIST
BONGAIGAON ASSAM, 783384

VERSUS

SHUDHANYA BARMAN AND ORS.
S/O LATE SURENDRA BARMAN,
RESIDENT OF VILLAGE LALMATI, PS ABHAYAPURI, DIST BONGAIGAON
ASSAM, 783384

2:ADHIR CHANDRA BARMAN
S/O LATE SHIRISH CHANDRA BARMAN

RESIDENT OF VILLAGE CHONPUR RAILWAY STATION
WARD NO. 9
PO
PS AND DIST NALBARI
ASSAM 781335

3:SUDHIR CHANDRA BARMAN
S/O LATE SHIRISH CHANDRA BARMAN

RESIDENT OF VILLAGE BARSEVAN VITA ADHURIKARI
PS KHARIBARI
DIST DARJEELING
734427

4:TAJUDDIN PRAMANIK
S/O LATE SHAMATULLAH PRAMANIK

RESIDENT OF VILLAGE AND PO LALMATI
PS ABHAYAPURI
DIST BONGAIGAON ASSAM
783384

5:ANOWAR HUSSAIN

S/O ABDUL REZZAK
RESIDENT OF VILLAGE AND PO LALMATI
PS ABHAYAPURI
DIST BONGAIGAON ASSAM
783384

6:ON THE DEATH OF BASIR UDDIN SHEIKH
HIS LEGAL HEIRS AND LEGAL REPRESENTATIVE RAMENA BEGUM
W/O LATE BASIR UDDIN SHEIKH

RESIDENT OF VILLAGE AND PO LALMATI
PS ABHAYAPURI
DIST BONGAIGAON ASSAM
783384

7:ABDUL KORIM
S/O LATE BASIR UDDIN SHEIKH

RESIDENT OF VILLAGE AND PO LALMATI
PS ABHAYAPURI
DIST BONGAIGAON ASSAM
783384

8:RAHUL AMIN
S/O LATE BASIR UDDIN SHEIKH

RESIDENT OF VILLAGE AND PO LALMATI
PS ABHAYAPURI
DIST BONGAIGAON ASSAM
783384

9:BABITA AKTAR
D/O LATE BASIR UDDIN SHEIKH

RESIDENT OF VILLAGE AND PO LALMATI
PS ABHAYAPURI
DIST BONGAIGAON ASSAM
783384

10:BINIMA AKTAR
D/O LATE BASIR UDDIN SHEIKH

RESIDENT OF VILLAGE AND PO LALMATI
PS ABHAYAPURI
DIST BONGAIGAON ASSAM
783384

11:SRI SURYAKANTA BARMAN
S/O LATE BHOLANATH BARMAN

RESIDENT OF VILLAGE AND PO LALMATI
PS ABHAYAPURI
DIST BONGAIGAON ASSAM
783384

12:SMTI BASANTI BARMAN
W/O LATE BHOLANATH BARMAN

RESIDENT OF VILLAGE AND PO LALMATI
PS ABHAYAPURI
DIST BONGAIGAON ASSAM
783384

13:TAJNUR ISLAM
S/O LATE ABDUL AZIZ
RESIDENT OF VILLAGE BALARGUDAM
PO NASATRA
PS ABHAYAPURI
DIST BONGAIGAON
ASSAM
783384

14:ABDUL BATEN
S/O LATE AYEJ UDDIN

RESIDENT OF VILLAGE AND PO LALMATI
PS ABHAYAPURI
DIST BONGAIGAON ASSAM
783384

15:FAIJAL HAQUE
S/O MOHIBULLAH HAYATI

RESIDENT OF VILLAGE AND PO LALMATI
PS ABHAYAPURI
DIST BONGAIGAON ASSAM
78338

Advocate for the Respondent : MR H R A CHOUDHURY (R1)

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

12.06.2023

Heard Mr. A. C. Sarma, learned senior counsel appearing for the appellant as well as Mr. F. U. Borbhuiyan, learned counsel for the respondents. Also heard Mr. N. Uddin, learned counsel for the respondent no. 6.

The appeal is admitted for hearing on the following substantial questions of law:

1. Whether the learned trial court misinterpreted Section 41 of the Transfer of Property Act in not granting relief being the bonafide purchaser for value without notice?
2. Whether the learned lower appellate court erred in law in dismissing the petition for condonation of delay in filling the appeal inasmuch as the learned lower appellate court misinterpreted the expression "sufficient cause" so as to ensure substantive rights of the appellant?

The appellant shall be at liberty to raise any other substantial questions of law at the time of hearing.

Call for the LCR.

List after four weeks.

JUDGE

Comparing Assistant