

GAHC010047012025



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

Case No. : CRP/30/2025

MD ABDUS SUBUR MIAH @ MD SUBUR ALI
S/O LATE SAMSUDDIN, R/O SOUTH HAIBORGAON, P.S.-SADAR, DIST-
NAGAON, PIN-782002, ASSAM

VERSUS

SMT SWARNA BORTHAKUR
W/O SRI BIRENDRA NATH BORTHAKUR, VILL- MORIGAON, WARD NO. 7,
MOUZA - NIZ TETELIA, P.O. AND P.S.- MORIGAON, DIST- MORIGAON, PIN-
782104, ASSAM

Advocate for the Petitioner : MR. S CHAMARIA, MR M M ZAMAN, MR A N SARMAH

Advocate for the Respondent : ,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

02.04.2025

Heard Mr. S. Chamaria, learned counsel for the petitioner.

This revision petition under Section 115 of the Code of Civil Procedure, 1908, is directed against the judgment and decree dated 21.12.2024 passed by the learned Civil

Judge (Jr. Division) No.2, Nagaon, in Title Suit No.93/2011. It is to be noted here that vide impugned judgment and decree dated 21.12.2024, the learned Civil Judge (Jr. Division) No.2, Nagaon, had decreed the suit for eviction of the defendants by demolishing and removing belongings and men from the schedule premises along with cost of the suit.

Perused the petition and the documents placed on record and also perused the impugned judgment and decree dated 21.12.2024.

Let notice be issued to the respondent, returnable within 4(four) weeks.

Step be taken by registered post with A/D and also by usual process within a week from today.

Registry shall also call for the record from the learned Trial Court.

Mr. Chamaria further submits that another person, who was the defendant No.2 in the Title Suit No.93/2011 has already preferred one revision petition before this Court, being the CRP No.40/2025 and in the said revision petition, this Court was pleased to grant stay of the impugned judgment and decree dated 21.12.2024 till returnable date and as such, similar relief may be granted to the present petitioner also.

Taking note of the submission of Mr. Chamaria, learned counsel for the petitioner, the impugned judgment and decree dated 21.12.2024 passed by the learned Civil Judge (Jr. Division) No.2, Nagaon, stands stayed, till returnable date.

Registry shall tag this matter along with CRP No.40/2025.

Sd/- Robin Phukan
JUDGE

Comparing Assistant