

GAHC010047232026



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

Case No. : CRP(IO)/83/2026

SMT. DHRITI KANA BRAHMA
D/O LATE DEBABRATA BRAHMA, R/O WARD NO. 10, ANU KUTHIR,
KOKRAJHAR TOWN, P.O. AND P.S.- KOKRAJHAR, DIST- KOKRAJHAR
(BTAD), ASSAM

VERSUS

BHUBANESWARI BRAHMA
D/O LATE MAHENDRA NATH BRAHMA, R/O R.N.B. ROAD, WARD NO. 2,
KOKRAJHAR TOWN, P.O. AND P.S.- KOKRAJHAR, DIST- KOKRAJHAR
(BTAD), ASSAM

Advocate for the Petitioner : MR. R BARUAH, MS. J SARMA, G IMTIAZ, MR. A IKBAL

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 18.03.2026

Heard Mr. A Ikbal, learned counsel for the petitioner.

2. By way of the present revision petition under Article 227 of the Constitution of India, the petitioner has assailed the order dated 16.02.2026 passed in Misc. (J) Case No. 17/2026 arising out of Title Suit No. 2/2018,

whereby the learned Civil Judge (Senior Division), Kokrajhar rejected the application for amendment filed by the petitioner.

3. Learned counsel for the petitioner submits that the original suit instituted by the respondent No. 1/plaintiff is one for partition of joint property. It is contended that during the pendency of the suit, in the year 2025, it came to the knowledge of the petitioner that a portion of the joint property, namely land described in Schedule-F, had already been alienated by the respondent No. 1/plaintiff in favour of two third parties.

4. It is further submitted that the said subsequent development was not brought on record before the learned Trial Court and unless the amendment sought is allowed, the real controversy between the parties cannot be effectively adjudicated. It is contended that any decree for partition, if passed without taking note of the said alienation, would include property which admittedly, as per the plaintiff's own cross-examination, stands transferred to third parties. The proposed amendment, therefore, has a direct nexus with the relief sought in the suit and is essential for complete and effective adjudication.

5. Issue notice, returnable by 24.04.2026.

6. The petitioner shall take steps for service of notice upon the respondents by Speed Post with A/D within three working days from today.

7. Upon hearing learned counsel for the petitioner on the question of interim relief, this Court finds that the amendment has been sought immediately upon discovery of the subsequent fact relating to alienation of a part of the suit property, which has a direct bearing on the subject matter of the suit. A prima facie case is made out in favour of the petitioner.

8. It is also brought to the notice of this Court that the next date before the learned Trial Court is fixed on 23.03.2026. Considering the imminence of the proceedings before the Trial Court, it is deemed appropriate to protect the subject matter of the revision petition.

9. Accordingly, further proceedings in Title Suit No. 2/2018 pending before the learned Civil Judge (Senior Division), Kokrajhar shall remain stayed till the next date of listing of this case.

List accordingly.

JUDGE

Comparing Assistant