

GAHC010047902018



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

**Case No. : RSA 57/2018**

1:GOBINDA MONDAL  
R/O SHASTRI ROAD, NORTH BONGAIGAON, P.O. , P.S. AND DIST.  
BONGAIGAON, ASSAM.

VERSUS

1:PRADIP GHOSH AND 2 ORS,  
R/O SHASTRI ROAD, NORTH BONGAIGAON, P.O. , P.S. AND DIST.  
BONGAIGAON, ASSAM.

2:SUBHASH MONDAL  
PRESENT R/O DOLAIGAON (UJANPARA)  
C/O NISHI PADA SHARMA  
NEAR PHE OFFICE  
P.O.  
P.S. AND DIST. BONGAIGAON  
ASSAM.

3:SMT. PARBATI RAI  
D/O LATE BALOHARI MONDAL  
R/O SHASTRI ROAD  
NORTH BONGAIGAON  
SRI GOBINDA MONDAL  
S/O LATE BALOHORI MONDAL  
R/O SHASTRI ROAD  
NORTH BONGAIGAON  
P.O.  
P.S. AND DIST. BONGAIGAON  
ASSAM

**Advocate for the Petitioner : MRS. R BORAH**

**Advocate for the Respondent : MR D C NATH**

**BEFORE  
HONOURABLE MR. JUSTICE MIR ALFAZ ALI**

**ORDER**

**Date : 16-03-2018**

Heard Ms. R. Bora, learned counsel for the appellant.

This appeal is admitted on the following substantial question of law:

*“Whether the learned court below committed illegality while dismissing the suit by not taking into account the provision of Section 44 of the Transfer of Property Act and Section 4 of the Partition Act?”*

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

Let notice be issued returnable in four weeks.

Steps for service of notice shall be taken by registered post with A/D and also usual process within 5 days.

Call for the LCR.

**JUDGE**

**Comparing Assistant**