

GAHC010048822018



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

Case No. : RSA 62/2018

1:NALINI DEKA
R/O NIZARAPAR, P.S. AND P.O. CHANDMARI, DIST. KAMRUP, PIN 781003

VERSUS

1:ON THE DEATH OF NURJAHAN BEGUM HER LEGAL HEIRS MD.
MAKIBUR RAHMAN AND 4 ORS,
R/O KUMARPARA, P.S. BHARALUMUKH, DIST. KAMRUP

2:MD IMRAN HUSSAIN
R/O KUMARPARA
P.S. BHARALUMUKH
DIST. KAMRUP

3:MD. FARUK HUSSAIN
R/O KUMARPARA
P.S. BHARALUMUKH
DIST. KAMRUP

4:MUSST. NURNAHAR BEGUM
R/O KUMARPARA
P.S. BHARALUMUKH
DIST. KAMRUP

5:MUSST. BIELKISH BEGUM
R/O KUMARPARA
P.S. BHARALUMUKH
DIST. KAMRU

Advocate for the Petitioner : MR. A C SARMA

Advocate for the Respondent : MR. M B U AHMED (R1)

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 16-08-2018

Heard Mr. G. Bharadwaj, learned counsel for the appellant. Also heard Mr. M.B.U. Ahmed, learned appearing for respondent no. 1.

No service report in respect of remaining respondents are available.

Await service report on respondent nos. 2, 3 and 5.

At this stage, Mr. Ahmed submits that the order dated 14/03/2018 in IA(C) No. 199/2018 arising out of the second appeal, staying the execution of the impugned decree has been issued without service of notice upon his client or giving an opportunity to the respondent no. 1 to appear and submit objection. As such, the stay order be recalled.

The prayer of Mr. Ahmed, can only be considered if a proper application seeking review /recall of the order dated 14/03/2018 is filed by the respondent no. 1.

Giving liberty to Mr.Ahmed to file proper application, this matter stands adjourned for four weeks awaiting service report.

JUDGE

Sukhamay

Comparing Assistant