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

Case No. : FAO/16/2026

SMTI SARALA PODDAR
W/O SRI SURESH PODDAR, R/O AT ROAD, NEAR MMC PIOLI NAGAR, P.O.
AND P.S. MORANHAT, DIST. DIBRUGARH, ASSAM, PIN 785670

VERSUS

SRI GAMA PASWAN ALIAS GANGA SAGAR PASWAN AND ANR
S/O LATE RAM LAKHAN PASWAN, R/O PALTAN BAZAR, WARD NO 22, P.O.
JALAN NAGAR, P.S. AND DIST. DIBRUGARH, ASSAM, PIN 786005

2:DEBASHISH CHAKRABORTY
S/O LATE DIGEN CHAKRABORTY
R/O SEUJPUR
BYELANE 3
P.O.
P.S. DIST. DIBRUGARH
ASSAM
PIN 78600

Advocate for the Petitioner : MR. BHASKAR DUTTA, SENIOR ADVOCATE, MS L
RONGPIPI,MR JITENDRA DAS,MR. SAILENDRA DEKA

Advocate for the Respondent : MR. A DHAR, FOR CAVEATOR,MD F FARIDI

Linked Case : I.A.(Civil)/801/2026

SMTI SARALA PODDAR
W/O SRI SURESH PODDAR

R/O A T ROAD
NEAR MMC
PIOLI NAGAR
P.O. AND P.S. MORANHAT
DIST. DIBRUGARH
ASSAM
PIN 78560

VERSUS

SRI GAMA PASWAN ALIAS GANGA SAGAR PASWAN AND ANR
S/O LATE RAM LAKHAN PASWAN
R/O PALTAN BAZAR
WARD NO 22
P.O. JALAN NAGAR
P.S. AND DIST. DIBRUGARH
ASSAM
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P.S. DIST. DIBRUGARH
ASSAM
PIN 786001

Advocate for : MR. BHASKAR DUTTA
SENIOR ADVOCATE
Advocate for : MR. A DHAR appearing for SRI GAMA PASWAN ALIAS GANGA
SAGAR PASWAN AND ANR

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 11.03.2026

- 1.** Heard Mr. B. Dutta, the learned senior counsel assisted by Mr. J. Das, the learned counsel for the appellant. Also heard Mr. A. Dhar, the learned counsel appearing for the respondent No. 1/caveator.

- 2.** This appeal under Order 43 Rule 1(r) of the Code of Civil Procedure, 1908 has been preferred by the appellant, namely, Smti Sarala Poddar, impugning the order dated 24.02.2026 passed by the Court of learned Civil Judge (Senior Division), Dibrugarh in Misc (J) Case No. 140/2025 arising out of Title Suit No. 111/2025, whereby both the parties i.e., the appellant as well as the respondent herein were directed to maintain status quo in respect of the suit property.
- 3.** Since Mr. A. Dhar has appeared as engaged counsel for the respondent No.1, hence, no formal notice is required to be sent to the said respondent.
- 4.** It is also submitted at bar by the learned counsel from both sides that as the impugned order is affected mainly the appellant, hence for deciding this appeal in the presence pro forma respondent, namely, Debashish Chakraborty, who is the vendor of the present appellant in respect of the suit property may not be necessary.
- 5.** Hence, it is prayed that the notice to the said respondent may be waived.
- 6.** Considering the submissions made by the learned counsel from both sides and considering the facts and circumstances of the case, notice to respondent from the pro forma respondent is waived and this matter, this appeal is taken up for final hearing today itself.
- 7.** Further, since the impugned orders and other relevant

documents are annexed with the Memo of Appeal, this Court is also not inclined to call for the records of Misc (J) Case No. 140/2025 in which the impugned order has been passed.

- 8.** Heard the learned counsel for both sides for final disposal of this appeal.
- 9.** Let this matter be listed for delivery of order on 16.03.2026.

JUDGE

Comparing Assistant