

GAHC010050812025



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

Case No. : CRP(IO)/95/2025

ON THE DEATH OF AYAJUL ALI MAZUMDER @ BADSA MIYA @ AZIR
UDDIN MAZUMDER, HIS LEAGAL HEIRS
NAMELY

1.1: MUSTT. MOYNA BEGUM MAZUMDER
W/O LATE AYAJUL ALI MAZUMDER @ BADSA MIYA @ AZIR UDDIN
MAZUMDER
R/O VILL- TUPKHANA PART-I
P.O.- ARUNACHAL
P.S.-SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

1.2: MD. RAJU MAZUMDER
S/O LATE AYAJUL ALI MAZUMDER @ BADSA MIYA @ AZIR UDDIN
MAZUMDER
R/O VILL- TUPKHANA PART-I
P.O.- ARUNACHAL
P.S.-SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

1.3: MD. DIZU MAZUMDER
S/O LATE AYAJUL ALI MAZUMDER @ BADSA MIYA @ AZIR UDDIN
MAZUMDER
R/O VILL- TUPKHANA PART-I
P.O.- ARUNACHAL
P.S.-SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

1.4: MD. SAHID AHMED MAZUMDER
S/O LATE AYAJUL ALI MAZUMDER @ BADSA MIYA @ AZIR UDDIN
MAZUMDER
R/O VILL- TUPKHANA PART-I
P.O.- ARUNACHAL
P.S.-SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

1.5: MD. MEHBUB HUSSAIN MAZUMDER
S/O LATE AYAJUL ALI MAZUMDER @ BADSA MIYA @ AZIR UDDIN
MAZUMDER
R/O VILL- TUPKHANA PART-I
P.O.- ARUNACHAL
P.S.-SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

1.6: MD. NURUL HOQUE MAZUMDER
S/O LATE AYAJUL ALI MAZUMDER @ BADSA MIYA @ AZIR UDDIN
MAZUMDER
R/O VILL- TUPKHANA PART-I
P.O.- ARUNACHAL
P.S.-SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

1.7: MD. JAMIL HUSSAIN MAZUMDER
S/O LATE AYAJUL ALI MAZUMDER @ BADSA MIYA @ AZIR UDDIN
MAZUMDER
R/O VILL- TUPKHANA PART-I
P.O.- ARUNACHAL
P.S.-SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

1.8: ANJANA BEGUM BARBHUIYA
D/O LATE AYAJUL ALI MAZUMDER @ BADSA MIYA @ AZIR UDDIN
MAZUMDER
W/O MD. NAZRUL HUSSAIN BARBHUIYA
R/O VILL AND P.O.- BARJATRAPUR
P.S.- NORKHOLA
DIST- CACHAR
ASSA

VERSUS

ON THE DEATH OF ABDUL NUR MAZUMDER, HIS LEGAL HEIRS AND ANR
NAMELY

1.1:MD. BAHAR UDDIN MAZUMDER
S/O LATE ABDUL NUR MAZUMDER
R/O VILL- TUPKHANA PART- 1
PH.- BARAKPUR
P.S.- SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

1.2:MD. ASHAK ALI MAZUMDER
S/O LATE ABDUL NUR MAZUMDER
R/O VILL- TUPKHANA PART- 1
PH.- BARAKPUR
P.S.- SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

1.3:MD. SULTAN AHMED MAZUMDER
S/O LATE ABDUL NUR MAZUMDER
R/O VILL- TUPKHANA PART- 1
PH.- BARAKPUR
P.S.- SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

1.4:MD. KADER UDDIN MAZUMDER
(MINOR)
S/O LATE ABDUL NUR MAZUMDER
R/O VILL- TUPKHANA PART- 1
PH.- BARAKPUR
P.S.- SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

1.5:MUSSTT. RAHIMA BEGUM MAZUMDER
D/O LATE ABDUL NUR MAZUMDER
R/O VILL- TUPKHANA PART- 1
PH.- BARAKPUR
P.S.- SILCHAR

DIST- CACHAR
ASSAM
PIN-788025

2:ON THE DEATH OF FURKAN ALI LASKAR
HIS LEGAL HEIRS
NAMELY

2.1:AMIRUN NESSA LASKAR
W/O LATE FURKAN ALI LASKAR
R/O VILL- TUPKHANA PART- I
P.O.- ARUNACHAL
P.S.- SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

2.2:MD. ABDUL HANNAN LASKAR
S/O LATE FURKAN ALI LASKAR
R/O VILL- TUPKHANA PART- I
P.O.- ARUNACHAL
P.S.- SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

2.3:MD. ABDUL KALAM LASKAR
S/O LATE FURKAN ALI LASKAR
R/O VILL- TUPKHANA PART- I
P.O.- ARUNACHAL
P.S.- SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

2.4:MD. ABDUL SALAM LASKAR
S/O LATE FURKAN ALI LASKAR
R/O VILL- TUPKHANA PART- I
P.O.- ARUNACHAL
P.S.- SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

2.5:MD. ABDUL MONAF LASKAR
S/O LATE FURKAN ALI LASKAR
R/O VILL- TUPKHANA PART- I
P.O.- ARUNACHAL

P.S.- SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

2.6:MD. ABDUL HASSIB LASKAR
S/O LATE FURKAN ALI LASKAR
R/O VILL- TUPKHANA PART- I
P.O.- ARUNACHAL
P.S.- SILCHAR
DIST- CACHAR
ASSAM
PIN-788025

2.7:MUSTT. SAJIA BEGUM LASKAR
W/O PAPPU MIR LASKAR
D/O LATE FURKAN ALI LASKAR
R/O VILL- BALIGHAT
P.O.- ARUNACHAL
P.S.- SILCHAR
DIST- CACHAR
ASSAM
PIN-78802

Advocate for the Petitioner : MR. L R MAZUMDER, MR. A ISLAM

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 19.03.2025

Heard Mr. L.R. Mazumder, learned counsel for the petitioners.

2. In this petition, under Article 227 of the Constitution of India, read with Section 151 of the CPC, the petitioners have challenged the correctness or otherwise of the order dated 01.02.2025, passed by the learned Civil Judge (Junior Division) No. 3, Cachar, Silchar, in Misc. Case No. 155/2024, filed under Order 47 Rule 1 of the CPC, read with Section 151 of the CPC for review of the

order dated 03.08.2024, passed by the learned trial Court, in petition No. 71/01, and also the order dated 03.08.2024, passed in petition No. 71/01, filed by the petitioner under Order 22 Rule 3, read with Section 151 of the CPC, and under Order 6 Rule 17 and Section 5 of the Limitation Act, by which the learned trial Court had rejected the prayer made by the petitioner.

3. Perused the petition and the documents placed on record.
4. Let notice be issued to the respondents returnable in four weeks.
5. Steps be taken upon the respondents by way of registered post with A/D as well as by usual process within a week from today.
6. List the matter after four weeks.
7. Having considered the submission of Mr. Mazumder, learned counsel for the petitioner and also the documents placed on record, it is provided that further proceeding of Title Suit No. 335/2006, pending before the Court of learned Civil Judge (Junior Division) No. 3, Cachar, Silchar shall stand stayed till returnable date.

JUDGE

Comparing Assistant