

GAHC010051452019



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

Case No. : RSA 89/2019

1:ON THE DEATH OF RAJAN ALI, HIS LEGAL HEIRS REPRESENTING
HAILAKANDI, ASSAM

1.1: SUNABAN BIBI (WIFE)
R/O- VILL.- ALGAPUR BAZAR
P.O. KALIBAZAR
DIST.- HAILAKANDI
PIN- 788150.

1.2: JAMIRUDDIN (SON)
R/O- VILL.- ALGAPUR BAZAR
P.O. KALIBAZAR
DIST.- HAILAKANDI
PIN- 788150.

1.3: SAYANA BEGU @ BEDURA (DAUGHTER)
R/O- VILL.- ALGAPUR BAZAR
P.O. KALIBAZAR
DIST.- HAILAKANDI
PIN- 788150.

1.4: HAZIRA BEGUM (DAUGHTER)
R/O- VILL.- ALGAPUR BAZAR
P.O. KALIBAZAR
DIST.- HAILAKANDI
PIN- 788150.

1.5: NAZIRA BEGUM (DAUGHTER)
R/O- VILL.- ALGAPUR BAZAR
P.O. KALIBAZAR
DIST.- HAILAKANDI
PIN- 788150.

1.6: MONOWARA BEGUM (DAUGHTER)
R/O- VILL.- ALGAPUR BAZAR

P.O. KALIBAZAR
DIST.- HAILAKANDI
PIN- 788150.

1.7: DILWARA BEGUM (DAUGHTER)
R/O- VILL.- ALGAPUR BAZAR
P.O. KALIBAZAR
DIST.- HAILAKANDI
PIN- 788150.

1.8: ABDUL HUSSAIN
R/O- VILL.- ALGAPUR BAZAR
P.O. KALIBAZAR
DIST.- HAILAKANDI
PIN- 788150.

1.9: JAHIRA BEGUM (DAUGHTER)
R/O- VILL.- ALGAPUR BAZAR
P.O. KALIBAZAR
DIST.- HAILAKANDI
PIN- 788150

VERSUS

1:ON THE DEATH OF AJIJUR RAHMAN CHOUDHURY, HIS LEGAL HEIRS
REPRESENTING AND 6 ORS.
HAILAKANDI, ASSAM.

1.1:REHATUN NESSA CHOUDHURY (WIFE)
R/O- VILL.- BHATIRKUPA PT-I
P.O. CHANDIPUR
DIST.- HAILAKANDI
PIN- 788150.

1.2:MASUK AHMED CHOUDHURY (SON)
R/O- VILL.- BHATIRKUPA PT-I
P.O. CHANDIPUR
DIST.- HAILAKANDI
PIN- 788150.

1.3:MEHBUB AHMED CHOUDHURY (SON)
R/O- VILL.- BHATIRKUPA PT-I
P.O. CHANDIPUR
DIST.- HAILAKANDI
PIN- 788150.

1.4:JOBBER AHMED CHOUDHURY (SON)
R/O- VILL.- BHATIRKUPA PT-I

P.O. CHANDIPUR
DIST.- HAILAKANDI
PIN- 788150.

1.5:ASRAFUL BARI CHOUDHURY (SON)
R/O- VILL.- BHATIRKUPA PT-I
P.O. CHANDIPUR
DIST.- HAILAKANDI
PIN- 788150.

2:MOTIUR RAHMAN CHOUDHURY
S/O- LATE SIKANDAR ALI CHOUDHURY
R/O- VILL.- BHATIRKUPA PT-I
P.O. CHANDIPUR
DIST.- HAILAKANDI
PIN- 788150.

3:SAJJADUR RAHMAN CHOUDHURY
S/O- LATE SIKANDAR ALI CHOUDHURY
C/O- MOTIUR RAHMAN CHOUDHURY
R/O- VILL.- BHATIRKUPA PT-I
P.O. CHANDIPUR
DIST.- HAILAKANDI
PIN- 788150.

4:ABDUL RAKIB CHOUDHURY
S/O- LATE SIKANDAR ALI CHOUDHURY
C/O- MOTIUR RAHMAN CHOUDHURY
R/O- VILL.- BHATIRKUPA PT-I
P.O. CHANDIPUR
DIST.- HAILAKANDI
PIN- 788150.

5:TAIBUR RAHMAN CHOUDHURY
S/O- LATE SIKANDAR ALI CHOUDHURY
C/O- MOTIUR RAHMAN CHOUDHURY
R/O- VILL.- BHATIRKUPA PT-I
P.O. CHANDIPUR
DIST.- HAILAKANDI
PIN- 788150.

6:HAZIRA BIBI CHOUDHURY
D/O- LATE SIKANDAR ALI CHOUDHURY
C/O- MOTIUR RAHMAN CHOUDHURY
R/O- VILL.- BHATIRKUPA PT-I
P.O. CHANDIPUR
DIST.- HAILAKANDI
PIN- 788150.

7:KHADIZA BIBI CHOUDHURY
D/O- LATE SIKANDAR ALI CHOUDHURY
C/O- MOTIUR RAHMAN CHOUDHURY
R/O- VILL.- BHATIRKUPA PT-I
P.O. CHANDIPUR
DIST.- HAILAKANDI
PIN- 788150

Advocate for the Petitioner : MR. M H RAJBARBHUIYAN

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE MIR ALFAZ ALI

ORDER

Date : 04-09-2019

Heard Mr. MH Rajbarbhuiyan, learned counsel for the appellant.

This appeal is directed against the judgment and decree dated 05.12.2018 passed by the learned Civil Judge, Hailakandi in Title Appeal No.28/2017.

The second appeal is admitted for hearing on the following substantial questions of law

“Whether the learned appellate Court committed illegality and perversity by passing the impugned judgment ignoring the fact that the defendant/appellant was a tenant in respect of the suit premises.”

Issue notice to the respondents returnable in 4 (four) weeks.

Steps by registered post with A/D as well as through usual process within 7 (seven) days.

The appellant be at liberty to raise any other substantial question of law, at the time of hearing, if so advised.

J U D G E

Smita

Comparing Assistant