

GAHC010033742022



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

**Case No. : I.A.(Civil)/822/2022**

RAKTIM KUMAR DAS  
S/O NIKHIL KUMAR DAS

HOUSE NO. 6  
JURANI PATH  
R.G BARUAH ROAD  
GUWAHATI 781005  
KAMRUP M ASSAM

VERSUS

DWIP BARUAH  
S/O LATE HARENDRA NATH BARUAH  
HOUSE NO. 22  
SANDURI ALI  
NABIN NAGAR  
R.G BARUAH ROAD  
GUWAHATI 781024  
KAMRUP M ASSAM

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Advocate for : MR. R J DAS  
Advocate for : MR H NATH appearing for DWIP BARUAH

**BEFORE  
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**Date : 14.06.2023**

Heard Mr. R. J. Das, the learned counsel appearing on behalf of the Applicant and Mr. N. Choudhury, the learned counsel appearing on behalf of the Respondent.

2. This is an application filed under Order XLI Rule 5 read with Section 151 of the Code of Civil Procedure, 1908 for staying the judgment and decree dated 21.12.2021 passed by the learned Civil Judge No.3, Kamrup (M) at Guwahati in Title Suit No.122/2017.

3. By the said judgment and decree, the suit filed by the appellant was dismissed however a cost of Rs.10,042/- was imposed. The instant application is only for stay of that cost.

4. Taking into account that the accompanying Regular First Appeal has already been admitted, this Court in the interest of justice stays the judgment and decree dated 21.12.2021 passed in Title Suit No.122/2017 insofar as the imposition of cost of Rs.10,042/- is concerned till the disposal of the appeal.

5. Accordingly, IA stands disposed of.

**JUDGE**

**Comparing Assistant**