

GAHC010055062025



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

Case No. : CRP/40/2025

ABUL KASHEM SHEIKH ALIAS ABDUS KASEM
S/O.- ABDUL JALIL SHEIKH, R/O.- RRB ROAD, SOUTH HAIBARGAON, DIST-
NAGAON, ASSAM, PIN-782002.
VERSUS

SWARNA BORTHAKUR AND 3 ORS
W/O- SRI BIRENDRA NATH BORTHAKUR, R/O- VILLAGE MORIGAON,
WARD NO. 07, MOUZA-NIZ TETELIA, P.O AND P.S- MORIGAON, DIST-
MORIGAON, PIN-782104, ASSAM

2:MD. HAFIZUR RAHMAN
S/O- LATE ASHRAB ALI
ADVOCATE
NAGAON BAR ASSOCIATION
NAGAON
ASSAM
PIN-782002.

3:MD. ABDUS SUBUR MIAH ALIAS MD. SUBUR ALI
S/O- LATE SAMSUDDIN
R/O.- VILLAGE DAKHIN HAIBORGAON
P.S- NAGAON SADAR
MOUZA- SADAR TOWN
DIST-NAGAON
ASSAM
PIN-782002.

4:KERAMAT ALI
S/O- LATE MASHRAB ALI
R/O- SOUTH HAIBORGAON
P.S. NAGAON SADAR
MOUZA- SADAR TOWN
DIST-NAGAON
ASSAM

PIN-782002

Advocate for the Petitioner : MR. P S DEKA, MR. B K BHAGAWATI, MR. S RAHMAN, MS. A CHAKRABARTY, MR B S DEKA

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 21.03.2025

Heard Mr. B. K. Bhagawati, learned counsel for the petitioner.

In this petition, under Section 115 of the Code of Civil Procedure, 1908, is directed against the judgment and decree dated 21.12.2024, passed in Title Suit No. 93/2011, by the learned Civil Judge, (Junior Division) No.2, Nagaon.

It is to be noted here that, vide impugned judgment and decree dated 21.12.2024, the learned Civil Judge, (Junior Division) No. 2, Nagaon, decreed the suit for eviction of the defendants by demolishing and removing belongings and men from the schedule premises along with cost of the suit.

Mr. Bhagawati, learned counsel for the petitioner submits that there is no provision for appeal and as such, this revision petition is filed under Section 115 of the Code of Civil Procedure, 1908.

Perused the petition and the documents placed on record and also perused the impugned judgment and decree dated 21.12.2024.

Let notice be issued to the respondents, returnable in 4 weeks.

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.

In the meantime, Mr. Bhagawati, further submits that there is a requirement for staying of the impugned judgment and decree dated 21.12.2024, till disposal of the petition.

Taking note of the submission of Mr. Bhagawati, learned counsel for the petitioner and also considering the facts and circumstances on the record, the impugned judgment and decree dated 21.12.2024, stand stayed till returnable date.

List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant