

GAHC010056112025



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

Case No. : I.A.(Civil)/1220/2025

MD SARIFUDDIN AHMED AND ORS
S/O- LATE TURAB ALI
R/O- VILL.- HATIMURIA, P.O.- MOIRABARI, MOUZA- AND P.S -
MOIRABARI, DIST.- MORIGAON,
ASSAM, PIN - 782126

2: MD. RIJUDDIN AHMED
S/O- LATE TURAB ALI
R/O- VILL.- HATIMURIA
P.O.- MOIRABARI
MOUZA- AND P.S - MOIRABARI
DIST.- MORIGAON

ASSAM
PIN - 782126

3: MD. MUSTAK AHMED
S/O- LATE TURAB ALI
R/O- VILL.- HATIMURIA
P.O.- MOIRABARI
MOUZA- AND P.S - MOIRABARI
DIST.- MORIGAON

ASSAM
PIN - 782126

4: MD. ANUAR HUSSAIN
S/O- LATE TURAB ALI
R/O- VILL.- HATIMURIA
P.O.- MOIRABARI
MOUZA- AND P.S - MOIRABARI
DIST.- MORIGAON

ASSAM

PIN - 782126

5: MUSSTT. NURJAHAN BEGUM
W/O- LATE NUR HUSSAIN MASTER.
D/O- LATE TURAB ALI

R/O- VILL.- ALISINGA
P.O AND P.S - ALISINGA

DIST.- SONITPUR
ASSAM

PIN-782126

6: MUSSTT MAMTAZ BEGUM
W/O.- HABIBUR RAHMAN.
D/O- LATE TURAB ALI

R/O.- VILL.- PACHIM MOIRABARI
P.S. AND MOUZA- MOIRABARI
DIST.- MORIGAON
ASSAM.
PIN-782126

7: MUSSTT SUFIA KHATUN
W/O.- MD. MAFIZUDDIN.
D/O.- LATE TURAB ALI.
R/O- VILL- CHENIMARI
MOUZA AND P.S- LAHARIGHAT
DIST.-MORIGAON
ASSAM
PIN-782126

8: MUSSTT. NAJMA BEGUM
W/O- MD. ABU BAKKAR SIDDIQUE
D/O- LATE TURAB ALI

VILL- BHUYAN PATTI
P.S. AND MOUZA- SADAR
DIST.- NAGAON
ASSAM
PIN -782001

9: MUSSTT. HASNARA BEGUM
W/O- FAKIR SUN
D/O- TURAN ALI

R/O- VILL- HATIMURIA

P.S. AND MOUZA- MOIRABARI
DIST- MORIGAON
ASSAM
PIN-782126

10: MUSSTT. LALJAN BIBI
W/O- LATE TURAB ALI

VILL- HATIMURIA
P.S AND MOUZA- MOIRABARI
DIST.- MORIGAON
ASSAM
PIN -78212

VERSUS

MD. FAKARUDDIN ALI AHMED ALIAS FAKARUDDIN
S/O- LATE TURAB ALI.
R/O.- VILL.- TATIKATA PATHAR,
P.O- MOIRABARI, DIST. - MORIGAON, ASSAM, PIN -782126

2:MUSSTT. JELEKHA KHATUN
W/O- LATE TURAB ALI.
R/O- TATIKATA PATHAR

P.O.-MOIRABARI

MOUZA AND P.S. - MOIRABARI
DIST.-MORIGAON
ASSA

Advocate for the Petitioner : MR. C TALUKDAR, MR. T K BHUYAN

Advocate for the Respondent : ,

Linked Case :

MD SARIFUDDIN AHMED
MOIRABARI
MORIGAON
ASSAM

2: MD RIJUDDIN AHMED

MOIRABARI
MORIGAON
ASSAM

3: MD MUSTAK AHMED
MOIRABARI
MORIGAON
ASSAM

4: MD ANUAR HUSSAIN
MOIRABARI
MORIGAON
ASSAM

5: MUSSTT NURJAHAN BEGUM
ALISINGA SONITPUR
ASSAM

6: MUSSTT MAMTAZ BEGUM
PACHIM MOIRABARI
MORIGAON
ASSAM

7: MUSSTT SUFIA KHATUN
CHENIMARI
LAHARIGHAT
MORIGAON
ASSAM

8: MUSSTT NAJMA BEGUM
BHUYAN PATTI NAGAON
ASSAM

9: MUSSTT HASNARA BEGUM
HATIMURIA
MOIRABARI
MORIGAON
ASSAM

10: MUSSTT LALJAN BIBI
HATIMURIA
MOIRABARI
MORIGAON
ASSAM
VERSUS

MD FAKARUDDIN ALI AHMED ALIAS FAKARUDDIN
SON OF LATE TURAB ALI

2:MUSSTT JELEKHA KHATUN
WIFE OF LATE TURAB ALI BOTH ARE RESIDENT TATIKATA PATHAR
MOIRABARI MORIGAON
ASSAM

Advocate for : Chandan Talukdar
Advocate for : appearing for MD FAKARUDDIN ALI AHMED ALIAS
FAKARUDDIN

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 08.12.2025

- 1.** Heard Mr. T. K. Bhuyan, the learned counsel for the applicant.
- 2.** On perusal of the office note dated 04.12.2025 that no service report has been received in respect of the notice issued to the respondent Nos.1 and 2.
- 3.** The learned counsel for the applicant has prayed for allowing the applicant to take steps upon the respondents by way of Dasti Mode.
- 4.** The prayer is allowed.
- 5.** The applicant shall take steps within three days from the date of this order, returnable on 06.01.2026.
- 6.** The learned counsel for the applicant has submitted that in the meanwhile as the respondents have already initiated an execution proceeding, which has been registered as Title Execution Case No. 2/2019 the same may be stayed till returnable date.
- 7.** He submits that in an appropriate case even during the pendency of an application of condonation of delay, the prayer for stay execution may be considered by this Court and in support of his submission, he has cited a ruling of this Court in case of ***Ramesh Chandra Kalita Vs Mira***

Patowari and Others reported in ***(1997) 1 GLR 287.***

8. Considering the above facts, till the next returnable date i.e., 06.01.2026 the execution of the impugned judgment and decree in the execution proceeding of Title Execution Case No. 2/2019 shall remain stayed.

9. List accordingly.

JUDGE

Comparing Assistant