

GAHC010057812021



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

Case No. : RSA/48/2021

MAFIZUDDIN AND 5 ORS.
S/O LATE HUSSAIN ALI, R/O VILLAGE KAYAKUCHI PATHAR, MOUZA
PAKA, DIST. BARPETA, ASSAM

2: ALIMUDDIN
S/O LATE MOKSHED ALI
R/O VILLAGE KAYAKUCHI PATHAR
MOUZA PAKA
DIST. BARPETA
ASSAM

3: RAHIZ UDDIN
S/O LATE AZIMUDDIN
R/O VILLAGE KAYAKUCHI PATHAR
MOUZA PAKA
DIST. BARPETA
ASSAM

4: ABDUR RAHMAN
S/O LATE AZIMUDDIN
R/O VILLAGE KAYAKUCHI PATHAR
MOUZA PAKA
DIST. BARPETA
ASSAM

5: SHABJUL ALI
S/O ALIMUDDIN
R/O VILLAGE KAYAKUCHI PATHAR
MOUZA PAKA
DIST. BARPETA
ASSAM

6: AFZAL ALI @ ABZAL HOQUE
S/O ALIMUDDIN

R/O VILLAGE KAYAKUCHI PATHAR
MOUZA PAKA
DIST. BARPETA
ASSA

VERSUS

LEGAL HEIRS OF LT. SARIPON NESSA - KASHIM UDDIN
S/O LATE MOKSHED ALI, R/O VILLAGE KAYAKUCHI PATHAR, PO-
NALIGAON, MOUZA PAKA, DIST. BARPETA, ASSAM

2:SAHOR ALI
S/O LATE MOKSHED ALI
R/O VILLAGE KAYAKUCHI PATHAR
PO- NALIGAON
MOUZA PAKA
DIST. BARPETA
ASSAM

3:MOHAR ALI
S/O LATE MOKSHED ALI
R/O VILLAGE KAYAKUCHI PATHAR
PO- NALIGAON
MOUZA PAKA
DIST. BARPETA
ASSAM

4:ABDUS SUKUR MAMUD
S/O LATE MOKSHED ALI
R/O VILLAGE KAYAKUCHI PATHAR
PO- NALIGAON
MOUZA PAKA
DIST. BARPETA
ASSAM

5:LEGAL HEIRS OF LATE SHONA MIAH- A) RAFIQU L ISLAM
B) SHAFIQU L ISLAM

R/O VILLAGE KAYAKUCHI PATHAR
PO- NALIGAON
MOUZA PAKA
DIST. BARPETA
ASSA

Advocate for the Appellants : DR. B AHMED

Advocate for the Respondent : MR. N ALAM

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 08/11/2021

Heard Mr. N. Haque, the learned counsel for the appellants and Mr. N. Alam, the learned counsel on behalf of the respondents.

Issue notice.

The instant appeal is admitted on the following substantial question of law :-

“Whether the First Appellate Court was justified in dismissing the appeal as not maintainable under Section 96 (4) of the Code of Civil Procedure on the basis that the valuation of the suit was Rs.500/- without taking into consideration the 2nd Schedule of the Provincial Small Causes Court Act, 1887 ?”

As the parties are represented, the Registry is directed to list the matter for hearing on 22/12/2021.

Both the counsels for the parties have submitted that as the issue involved is a pure question of law, the necessity of the records at this stage may not be required, and as such for the present, the records are not being called for.

The appellant would be at liberty to urge further substantial questions of law at the time of hearing.

JUDGE

Comparing Assistant