

GAHC010066342026



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

Case No. : CRP(IO)/129/2026

KHITISH ROY @ KSHITISH ROY
SON OF LATE SUBAL ROY, RESIDENT OF VILLAGE- UTTAR
BHOMORAGURI, MOUZA- LAKHOWA, P.S.- RUPAHI-HAT, DISTRICT-
NAGAON, ASSAM

VERSUS

ON THE DEATH OF KARNADHAR SARKAR, HIS LEGAL HEIRS AND ORS
NAMELY

1.1:GULAPI SARKAR
WIFE OF LATE KARNADHAR SARKAR
RESIDENT OF UTTAR BHOMORAGURI
P.O.- DAKHIN BELOGURI
P.S. - RUPAHI-HAT
DIST- NAGAON
PIN-782120. ASSAM

1.2:AJAY SARKAR
SON OF LATE KARNADHAR SARKAR
RESIDENT OF UTTAR BHOMORAGURI
P.O.- DAKHIN BELOGURI
P.S. - RUPAHI-HAT
DIST- NAGAON
PIN-782120. ASSAM

1.3:SANJAY SARKAR
SON OF LATE KARNADHAR SARKAR
RESIDENT OF UTTAR BHOMORAGURI
P.O.- DAKHIN BELOGURI
P.S. - RUPAHI-HAT
DIST- NAGAON

PIN-782120. ASSAM

1.4:JAYANTA SARKAR
SON OF LATE KARNADHAR SARKAR
RESIDENT OF UTTAR BHOMORAGURI
P.O.- DAKHIN BELOGURI
P.S. - RUPAHI-HAT
DIST- NAGAON
PIN-782120. ASSAM

2:DHARMA SARKAR
SON OF LATE MOHANBASHI SARKAR
RESIDENT OF UTTAR BHOMORAGURI
P.O.- DAKHIN BELOGURI
P.S.- RUPAHI HAT
DIST- NAGAON
PIN-782120
ASSAM

3:NITYANANDA TALUKDAR
SON OF LATE MOHENDRA TALUKDAR
RESIDENT OF UTTAR BHOMORAGURI
P.O.- DAKHIN BELOGURI
P.S.- RUPAHI HAT
DIST- NAGAON
PIN-782120
ASSAM

4:SATYANANDA TALUKDAR
SON OF LATE MOHENDRA TALUKDAR
RESIDENT OF UTTAR BHOMORAGURI
P.O.- DAKHIN BELOGURI
P.S.- RUPAHI HAT
DIST- NAGAON
PIN-782120
ASSAM

5:MATILAL TALUKDAR
SON OF SRI SURENDRA TALUKDAR
RESIDENT OF UTTAR BHOMORAGURI
P.O.- DAKHIN BELOGURI
P.S.- RUPAHI HAT
DIST- NAGAON
PIN-782120
ASSAM

6:RATAN SARKAR
SON OF SRI SURENDRA TALUKDAR

RESIDENT OF UTTAR BHOMORAGURI
P.O.- DAKHIN BELOGURI
P.S.- RUPAHI HAT
DIST- NAGAON
PIN-782120
ASSAM

7:SETANGA SARKAR
SON OF LATE JAGADISH SARKAR
R/O VILL- UTTAR BHOMORAGURI
MOUZA- LAWKHOWA
P.S.- RUPAHI HAT
DIST- NAGAON
ASSAM

8:GOURANGA SARKAR
SON OF LATE JAGADISH SARKAR
R/O VILL- UTTAR BHOMORAGURI
MOUZA- LAWKHOWA
P.S.- RUPAHI HAT
DIST- NAGAON
ASSAM

9:MATANGA SARKAR
SON OF LATE JAGADISH SARKAR
R/O VILL- UTTAR BHOMORAGURI
MOUZA- LAWKHOWA
P.S.- RUPAHI HAT
DIST- NAGAON
ASSAM

10:ANANGA SARKAR
SON OF LATE JAGADISH SARKAR
R/O VILL- UTTAR BHOMORAGURI
MOUZA- LAWKHOWA
P.S.- RUPAHI HAT
DIST- NAGAON
ASSAM

11:DWIJEN MONDAL
R/O VILL- UTTAR BHOMORAGURI
MOUZA- LAWKHOWA
P.S.- RUPAHI HAT
DIST- NAGAON
ASSA

Advocate for the Respondent : ,

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER**

20.04.2026

Heard Mr. D. Mahanta, learned counsel for the petitioner.

In this petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 24.02.2026 passed by the learned Civil Judge (Jr. Division) No.1, Nagaon, in Title Suit No.335/2021. It is to be noted here that vide impugned order dated 24.02.2026, the learned Civil Judge (Jr. Division) No.1, Nagaon, has dismissed the petition filed by the petitioner, being Petition No.40/2025, under Order VII Rule 14(3) read with Section 151 of the Code of Civil Procedure for granting leave of the Court to submit the Sale Deed No.9568/1979 on the ground that the said deed could not be traced out at the earlier stage in spite of several efforts.

Perused the petition and the documents placed on record.

Let notice be issued to the respondent Nos.1—6, returnable within 4(four) weeks.

Step be taken by speed post and also by usual process within a week from today.

Mr. Mahanta submits that though respondent Nos.7—11 are arrayed in this petition, yet those respondents did not participate in the Title Suit No.335/2021 and as such, they are not necessary parties in this petition and therefore, he submits that their names may be struck off from the array of this petition.

Prayer is allowed at the cost and risk of the petitioner.

Mr. Mahanta shall submit amended cause title within a week from today.

List the matter after 4(four) weeks.

Pending further consideration, further proceeding of Title Suit No.335/2021, pending before the Court of learned Civil Judge (Jr. Division) No.1, Nagaon, stands stayed till returnable date.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant