

GAHC010069552025



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

Case No. : WA/114/2026

MANSUR ALI AHMED
SON OF NIZAMUDDIN AHMED, RESIDENT OF NEAR TV CENTER, PO CR
BUILDING, DIBRUGARH, ASSAM 786001

VERSUS

SMTI SANTOSHI AGARWALLA AND ANR.
WIFE OF SRI SANJAY AGARWALLA, RESIDENT OF MANCOTTA, PS AND
DISTRICT- DIBRUGARH, ASSAM.

2:SRI SANJAY AGARWALLA
RESIDENT OF MANKOTTA TOM TOM TULA PO MANKOTTA PS AND
DISTRICT DIBRUGARH ASSAM 78600

For the petitioner/appellant(s) :Mr. K. N. Choudhury, Sr. Advocate
Mr. N. Gautam, Advocate

For the Respondent(s) : Mr. S.I. Akand, Advocate
Mr. K. Kumar, Advocate

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

08.05.2026

(Ashutosh Kumar, CJ)

We have heard Mr. K. N. Choudhury, learned senior Advocate for the appellant, and Mr. S. I. Akand, learned Advocate for the respondents.

This case originates from a property dispute, which was the subject-matter

of a Title Suit No. 166/2022, preferred by the appellant herein against the respondents, before the Civil Judge, Dibrugarh, involving a claim regarding the right of pre-emption over the suit property.

The appellant sought injunction restraining the respondents from taking possession over the suit property. However, the request for grant of injunction was refused by the trial Court vide order dated 17.11.2022 on the ground that the respondents were already in possession of the property.

In the FAO No. 58/2022, preferred by the appellant, this Court, vide order dated 16.12.2022, modified the order passed by the trial Court and directed both the parties to maintain *status quo* over the suit property until the Title Suit was disposed off. A further direction was given for expeditious disposal of the trial.

Alleging that the respondent violated the *status quo* order by resorting to construction, a Contempt Petition was filed by the appellant, vide Contempt Petition (Civil) No. 215/2023, in which notices were issued and the *status-quo* order was reinforced after taking into account the inspection report of the Court Commissioner.

The order dated 07.11.2023, which is impugned in the present appeal, amounts to modification of the earlier *status quo* order to the extent that no further construction, modification, renovation or alteration of the property shall be carried out from 07.11.2023 onwards. Vide the impugned order, the respondents were permitted to continue with their existing business without changing the nature of the property in question.

The review petition preferred against this modification order was dismissed vide order dated 17.12.2024, however, with a liberty to the appellant to file an intra-court appeal.

Hence, the present appeal.

The appellant herein contends that in a Contempt proceeding, a Court

cannot re-adjudicate the factual dispute, or modify the original order on merits.

Mr. S.I. Akand, learned Advocate who appears on behalf of the respondents, seeks some time to respond to this Memo. of appeal.

Let the requisite affidavit on behalf of the respondents be filed positively by the next date.

Re-notify on **22.06.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant