

GAHC010091722009



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

Case No. : RSA/59/2009

SRI TARLOK SINGH and ORS
S/O LT. THAKUR SINGH

2: SRI GURMITSINGH

3: SRI SARBJIT SINGH
SL. NO.2 AND 3 ARE SONS OF LT. AMLOK SINGH ALL ARE RESIDENT OF
GARALI
WARD NO.8
P.O. and DIST. JORHAT
ASSAM

VERSUS

ON THE DEATH OF JATINDRA NATH BHARALI, HIS LEGAL HEIRS
NAMELY-

1.1:CHARUMA BHARALI
W/O LATE JATINDRA NATH BHARALI
R/O K. D CHALIHA PATH
ATILA GAON
NEAR JORHAT LAW COLLEGE
PO HPO JORHAT
ASSAM
PIN 785001

1.2:RAJ BHARALI

S/O LATE JATINDRA NATH BHARALI
R/O K. D CHALIHA PATH
ATILA GAON
NEAR JORHAT LAW COLLEGE
PO HPO JORHAT

ASSAM
PIN 785001

1.3:RAJA BHARALI
S/O LATE JATINDRA NATH BHARALI
R/O K. D CHALIHA PATH
ATILA GAON
NEAR JORHAT LAW COLLEGE
PO HPO JORHAT
ASSAM
PIN 785001

1.4:RANA BHUSHAN BHARALI

S/O LATE JATINDRA NATH BHARALI
R/O K. D CHALIHA PATH
ATILA GAON
NEAR JORHAT LAW COLLEGE
PO HPO JORHAT
ASSAM
PIN 785001

2:STRUCK OFF
VIDE ORDER DATED 22.05.2024

3:STRUCK OFF
VIDE ORDER DATED 22.05.2024

4:STRUCK OFF
VIDE ORDER DATED 22.05.2024

5:STRUCK OFF
VIDE COURT ORDER DATED 21.02.2022 PASSED IN RSA NO 59/200

Advocate for the Petitioner : MR.K AGARWAL, MR. P NEOG,MR.S C KEYAL,MR. C PRADHAN,MR. S BISWAS,MR. D MOZUMDER

Advocate for the Respondent : MR.D C MAHANTA, MS.P BHATTACHARYA,MR.T J MAHANTA

Linked Case : MC/880/2009

SRI TARLOK SINGH and ORS.
S/O LT. THAKUR SINGH

2: SRI GURMIT SINGH.

3: SRI SARBJIT SINGH
SL. NO. 2 AND 3 ARE SONS OF LT. AMLOK SINGH ALL ARE RESIDENT OF
GARALI
WARD NO.8
P.O. and DIST. JORHAT
ASSAM.
VERSUS

SRI JATINDRA NATH BHARALI and ORS.
S/O LT. NARAM BHARALI R/O PRINCE OF WALES RESIDENTIAL CAMPUS
P.O. and DIST. JORHAT
ASSAM.

2:SRI PRAKASH RANJAN SARKAR
S/O LT. BINODE BEHARI SARKAR.

3:SMTI JYOTI SARKAR

W/O LT. BINODE BEHARI SARKAR.

4:SRI MANJIT SARKAR

S/O LT. BIMAN BIHARI SARKAR.

5:SRI BIJIT SARKAR

S/O LT. BIMAN BIHARI SARKAR ALL ARE RESIDENT OF WARD NO. 6
GOLAGHAT TOWN
DIST. GOLAGHAT.

Advocate for : MR.S C KEYAL

Advocate for : appearing for SRI JATINDRA NATH BHARALI and ORS.

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 26.03.2026

Heard Mr. D. Mozumder, learned senior counsel, assisted by Mr. S. Biswas, learned counsel appearing for the appellants. Also heard Mr. P. S. Deka, learned senior counsel, assisted by Ms. A. Chakraborty, learned counsel appearing for the sole respondent.

In terms of the order dated 24.03.2026, Mr. D. Mozumder, learned senior counsel, has submitted the proposed substantial question of law.

It is pertinent to note that Mr. D. Mozumder, learned senior counsel, fairly concedes that the substantial question of law earlier formulated by this Court may not, in fact, involve any substantial question of law.

Upon hearing the learned counsel for the parties, the following substantial question of law is framed for consideration:

“Whether the findings of the learned courts below on Issue No. 8, to the effect that the appellant/defendant failed to establish acquisition of title by adverse possession, are perverse on account of non-consideration of the pleadings and evidence available on record?”

The aforesaid substantial question of law is framed in substitution of the earlier question formulated by this Court vide order dated 08.04.2009.

The parties shall accordingly be heard on the substantial question of law so formulated today on **30.04.2026**.

The matter is accordingly released from part-heard.

JUDGE

Comparing Assistant