

GAHC010074392023



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

Case No. : RFA/16/2023

LABA RABHA AND ANR.
S/O LATE KALIA RABHA JATIA,
KAHILIPARA ROAD, PO ASSAM SACHIBALAYA, GUWAHATI 6, PS
KAHILIPARA, DIST KAMRUP M ASSAM

2: SRI KUSHA RABHA
S/O LATE KALIA RABHA JATIA

KAHILIPARA ROAD
PO ASSAM SACHIBALAYA
GUWAHATI 6
PS KAHILIPARA
DIST KAMRUP M ASSA

VERSUS

KAMALESWARI RABHA AND 4 ORS.
W/O LATE PARESH RABHA
RESIDENT OF JATIA, KAHILIPARA ROAD, PO ASSAM SACHIBALAYA,
GUWAHATI 6, PS KAHILIPARA, DIST KAMRUP M ASSAM

2:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF REVENUE
DISPUR
GUWAHATI 6

3:THE DEPUTY COMMISSIONER
KAMRUP (M) HENGRABARI
GUWAHATI

4:THE CIRCLE OFFICER
DISPUR REVENUE CIRCLE
PO BASISTHA

GUWAHATI

5:SMTI SOMESWARI RABHA
W/O PARIKHIT KALITA
RESIDENT OF JANAKPUR PATH
KAHILIPARA
GUWAHATI 6
KAMRUP M ASSA

Advocate for the Petitioner : MR K TALUKDAR

Advocate for the Respondent : DR. P K GOSWAMI

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER

01.05.2024

Heard Mr. B. C. Talukdar, learned counsel for the appellant. Also heard Dr. P. K. Goswami, learned counsel for the respondent Nos. 1 and 5 as well as Mr. J. Singh, learned Government Advocate, Assam for the respondent Nos.3 and 4.

This appeal under Section 96 *read with* Order 41 Rule 1 of the Code of Civil Procedure challenging the Judgment and Decree dated 17.11.2020 passed by the learned Civil Judge No.2, Kamrup (M), Guwahati in T. S. Case No. 96/2017, whereby, decreeing the suit on contest without cost.

Issue notice to the respondent No.2, returnable within 3 (three) weeks.

Since, Mr. J. Singh, learned Government Advocate, Assam has entered appearance and accepted notice on behalf of State respondent Nos. 3 and 4, no formal notice is required to be issued to the said respondent. However, he shall be provided with requisite extra-copy of the petition during the course of the day, if not already furnished.

The learned counsel for the appellant shall take steps for causing service of notice upon respondent No. 2 by registered post with A/D as well as by usual process within 3(three) days from today.

Also call for the LCR from the learned Court below.

List the matter for Admission hearing after **3(three) weeks**.

Registry is hereby directed to reflect the name of Mr. J. Singh, learned Government Advocate appearing on behalf of the respondent Nos. 3 and 4 in the cause list.

JUDGE

Comparing Assistant