

GAHC010079492025



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

Case No. : CRP(IO)/147/2025

CHITTA RANJAN DEY AND 3 ORS.
S/O LATE MADHAV CHANDRA DEY, RESIDENT OF VILLAGE- KALINAGAR
PART-III, P.S- PANCHGRAM, DISTRICT- HAILAKANDI, ASSAM, PIN-788801

2: NIRANJAN DEY
S/O LATE MADHAV CHANDRA DEY
RESIDENT OF VILLAGE- KALINAGAR PART-III
P.S- PANCHGRAM
DISTRICT- HAILAKANDI
ASSAM
PIN-788801

3: NIRMAL DEY
S/O LATE MADHAV CHANDRA DEY
RESIDENT OF VILLAGE- KALINAGAR PART-III
P.S- PANCHGRAM
DISTRICT- HAILAKANDI
ASSAM
PIN-788801

4: SMT. LAKSHMI RANI DEY
D/O LATE MADHAV CHANDRA DEY
RESIDENT OF VILLAGE- KALINAGAR PART-III
P.S- PANCHGRAM
DISTRICT- HAILAKANDI
ASSAM
PIN-78880

VERSUS

NILMONI NANDI AND 3 ORS.
S/O LATE NITAI NANDI, RESIDENT OF VILLAGE- KALINAGAR PART-III, P.S-
PANCHGRAM, DISTRICT- HAILAKANDI, ASSAM, PIN-788801

2:GONESH NANDI
S/O LATE NITAI NANDI
RESIDENT OF VILLAGE- KALINAGAR PART-III
P.S- PANCHGRAM
DISTRICT- HAILAKANDI
ASSAM
PIN-788801

3:BASHUDEV NANDI
S/O LATE NITAI NANDI
RESIDENT OF VILLAGE- KALINAGAR PART-III
P.S- PANCHGRAM
DISTRICT- HAILAKANDI
ASSAM
PIN-788801

4:KRISHNA NANDI
S/O LATE NITAI NANDI
RESIDENT OF VILLAGE- KALINAGAR PART-III
P.S- PANCHGRAM
DISTRICT- HAILAKANDI
ASSAM
PIN-788801

5:GOURANGA NANDI
S/O LATE NITAI NANDI
RESIDENT OF VILLAGE- KALINAGAR PART-III
P.S- PANCHGRAM
DISTRICT- HAILAKANDI
ASSAM
PIN-78880

Advocate for the Petitioner : MR. S K GHOSH, MS F AHMED

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 11.04.2025

Heard Mr. S.K. Ghosh, learned counsel for the petitioners.

2. In this petition, under Article 227 of the Constitution of India, read with

Sections 115 and 151 of the CPC, the petitioners have put to challenge the correctness or otherwise of the order dated 04.01.2025, passed by the learned Civil Judge (Senior Division), Hailakandi, in Misc. (J) Case No. 117/2022, arising out of T. Ex. Case No. 15/2006.

3. It is to be noted here that vide impugned order dated 04.01.2025, the learned Civil Judge (Senior Division), Hailakandi had dismissed the application filed by the petitioner under Section 47, read with Section 151 of the CPC.

4. Perused the petition and the documents placed on record and also perused the impugned order dated 04.01.2025.

5. Let notice be issued to the respondents, returnable in four weeks.

6. Steps be taken upon the respondents by way of registered post with A/D as well as by usual process within a week from today.

7. List the matter after four weeks.

8. It is made clear that pendency of this petition shall not be a bar for the learned executing Court to carry out the execution strictly in accordance with the terms of the decree passed in Title Suit No. 9/1999.

JUDGE

Comparing Assistant