

GAHC010089482026



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

Case I.A.(Civil)/1590/2026

KUSHAL BARMAN AND 5 ORS.
S/O LATE MALO BARMAN
RESIDENT OF VILL- NO.1 GHORATHAL
MOUZA- PASCHIM BARKHETRI
P.S- MUKALMUA
DIST- NALBARI
ASSAM- 781126

2: SADA BARMAN
S/O LATE MALO BARMAN
RESIDENT OF VILL- NO.1 GHORATHAL
MOUZA- PASCHIM BARKHETRI
P.S- MUKALMUA
DIST- NALBARI
ASSAM- 781126

3: HITESH BARMAN
S/O LATE MALO BARMAN
RESIDENT OF VILL- NO.1 GHORATHAL
MOUZA- PASCHIM BARKHETRI
P.S- MUKALMUA
DIST- NALBARI
ASSAM- 781126

4: BHAGAWAN BARMAN
S/O LATE MALO BARMAN
RESIDENT OF VILL- NO.1 GHORATHAL
MOUZA- PASCHIM BARKHETRI
P.S- MUKALMUA
DIST- NALBARI
ASSAM- 781126

5: BHUBAN BARMAN
S/O LATE MALO BARMAN
RESIDENT OF VILL- NO.1 GHORATHAL
MOUZA- PASCHIM BARKHETRI
P.S- MUKALMUA
DIST- NALBARI
ASSAM- 781126

6: DAIBAKI BARMAN
W/O LATE MALO BARMAN
RESIDENT OF VILL- NO.1 GHORATHAL
MOUZA- PASCHIM BARKHETRI
P.S- MUKALMUA
DIST- NALBARI
ASSAM- 781126
VERSUS

MD. AACHAN ALI
S/O LATE SAYATULLA AKOND
R/O VILL- GHARUWABAHA
MOUZA- UTTAR BARKHETRI
P.S- MUKALMUA
DIST- NALBARI
ASSAM - 781126

Advocate for : S K PODDAR
Advocate for : MR P UPADHYAY (FOR CAVEATOR) appearing for MD. AACHAN
ALI

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date - 17.06.2026

- 1.** Heard Mr. S. K. Poddar, the learned counsel for the applicants.
- 2.** Though, the name of Mr. P. Upadhyay is reflected as the engaged counsel for the caveator in the cause list, however, none has appeared for the caveator/respondent in this Interlocutory Application/connected appeal.
- 3.** The learned counsel for the applicants has submitted that the applicants has already furnished the copies of the instant Interlocutory Application along with Memo of Appeal and the connected annexures for service upon the caveator.
- 4.** This Interlocutory Application under Order 41 Rule 5 of the Code of Civil Procedure, 1908 has been filed by applicants praying for staying the execution of the decree dated 02.05.2022 passed in the Title Suit No. 64/2026 and affirmed by the decree dated 06.02.2026 in Title Appeal No. 08/2022.

5. Since none has appeared for the caveator inspite of reflection of their name in the cause list, hence, till the next returnable date, the execution of the impugned judgment and decree shall remain stayed.
6. Let this matter be listed on 05.08.2026.

JUDGE

Comparing Assistant