

GAHC010105742021



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

Case No. : RSA/128/2021

MAHENDRA CHAKRAVARTY AND ANR
S/O LATE BHUNATH CHAKRABARTY, R/O VILL AND P.O.-BUDRUKUCHI,
MOUZA-BAHJANI, PIN-781348, DIST- NALBARI, ASSAM

2: SMTI. SABITA DEVI
D/O LATE BHUNATH CHAKRAVARTY
R/O VILL AND P.O.-BUDRUKUCHI
MOUZA-BAHJANI
PIN-781348
DIST- NALBARI ASSA

VERSUS

PARAMESWAR DEKA AND 2 ORS
S/O LATE GUDA RAM DEKA, VILL AND P.O.-BUDRUKUCHI, MOUZA-
BAHJANI, PIN-781348, DIST- NALBARI, ASSAM

2:EMILY CHAKRABARTY
W/O SRI JITEN CHAKRAVARTY
OFF. ADD.- SUBHAS KHANNA ENDOSCOPICAL RESEARCH CENTRE
(NURSING HOME)
SANTIPUR P.S.-BHARULUMUKH
GUWAHATI-781009
DIST- KAMRUP(M)
ASSAM

3:JITEN CHAKRAVARTHY
S/O LATE BHUNATH CHAKRAVARTY
PERMANENT ADD.- VILL- BUDRUKUCHI
MOUZA- BAHJANI
PIN-781348
DIST- NALBARI
ASSAM
CORRESPONDING ADD.- C/O EMILY CHAKRAVARTY

SUBHAS KHANNA ENDOSCOPICAL RESEARCH CENTRE (NURSING
HOME) SANTIPUR
P.S.-BHARALUMUKH
GUWAHATI-781009
DIST- KAMRUP(M) ASSA

Advocate for the Petitioner : MR. A C SARMA

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 06.12.2021

Heard Mr. A.C. Sarma, learned counsel for the appellant.

The appeal is admitted for hearing on the following substantial question of law.

- (i) Whether any of the Co-owners can maintain a suit for possession against a third party trespasser without impleading other co-owners?

The appellant will be at liberty to raise any other substantial question of law at the time of hearing.

Issue notice returnable in six weeks.

The appellant shall take step for service of notice upon the respondent by registered post with A/D and other usual process within one week.

Call for the LCR.

JUDGE

Comparing Assistant