

GAHC010108192019



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

**Case No. : RSA 259/2019**

1:AZIZUR RAHMAN AND 7 ORS  
S/O- LATE KOBBAT ALI

2: HAFIZUR RAHMAN  
S/O- LATE KOBBAT ALI

3: ABDUL REZZAK  
S/O- LATE HARAN ALI

4: DELOWAR HUSSAIN  
S/O- LATE HARAN ALI

5: MAHIBUR RAHMAN DEWAN  
S/O- LATE HARAN ALI @ HARUNUR RASHID DEWAN

6: FAZLUR RAHMAN DEWAN  
S/O- LATE HARAN ALI @ HARUNUR RASHID DEWAN

7: JAHIDUL ISLAM DEWAN  
S/O- LATE HARAN ALI @ HARUNUR RASHID DEWAN

8: ISFAKUR DEWAN  
S/O- LATE HARAN ALI @ HARUNUR RASHID DEWAN  
ALL ARE RESIDENTS OF VILL.- MANAKUCHA  
P.O. AND P.S. KALGACHIA  
MOUZA- RUPSHI  
DIST.- BARPETA  
ASSAM  
PIN- 781319

VERSUS

1:HUMAYUN KABIR AND 4 ORS.  
S/O- LATE AMIR HAMZA, S/O- LATE NURJAHAN NESSA

2:SAHERA BHANU  
D/O- LATE AMIR HAMZA

3:RUP BHANU  
D/O- LATE AMIR HAMZA

4:AYSHA SIDDIKA  
D/O- LATE AMIR HAMZA

5:ANJUMA KHATUN  
D/O- LATE AMIR HAMZA  
ALL ARE RESIDENTS OF VILL.- HALDIA PATHER  
P.O. GHUGUBARI  
P.S. KALGACHIA  
DIST.- BARPETA  
ASSAM  
PIN- 781319

**Advocate for the Petitioner** : MD. B ISLAM

**Advocate for the Respondent** :

**BEFORE**  
**THE HON'BLE MR JUSTICE PRASANTA KUMAR DEKA**  
**ORDER**

**18.09.2020**

Heard Ms. R Choudhury, learned counsel for the appellants.

This second appeal is against the judgment and decree dated 29.11.2018 passed in Title Appeal No. 13/2016 by the learned Civil Judge, Barpeta which is admitted on the following substantial question of law:

- i. Whether the decree for partition in a suit claiming right, title, interest, recovery of possession and partition, the decree for partition could be granted without declaring the shares of the parties to the suit including the defendants?
- ii. Whether the declaration of the right, title and interest absolutely in favour of the plaintiffs respondents over B schedule land is proper on the face of the

submission by the plaintiffs respondents that the B schedule land forms a part of A schedule land?

Any other substantial question of law those may be formulated at the time of hearing.

LCRs be called for. The appellants shall take step on the respondents within a period of one week from today both by way of registered post with A/D and usual process.

Notice is made returnable after six weeks.

**JUDGE**

**Comparing Assistant**