

GAHC010109582019



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

Case No. : RSA 120/2019

1:SHRI BIJAY KHARIA
S/O- LATE DAHARU KHARIA, R/O- QTR NO. AT-120, TINGRAI COLONY,
DULIAJAN, P.O. AND P.S. DULIAJAN, DIST.- DIBRUGARH, ASSAM.

VERSUS

1:MD. YAAR HUSSAIN AND 6 ORS.
S/O- MD. ASS MD. HUSSAIN, R/O- MORAN KUSHAL NAGAR, P.O.
MORANHAT, P.S. MORAN, DIST.- DIBRUGARH, ASSAM.

2:SRI MOTILAL GOALA
S/O- LATE SUBEDAR GOALA
R/O- NALINI PATHER
P.S. AND MOUZA- TINGKHONG
DIST.- DIBRUGARH.

3:SRI SUNIL SAHU
S/O- SRI SAMBHU SAHU
R/O- MORAN RAJGARH
P.S. AND MOUZA- TINGKHONG
DIST.- DIBRUGARH
ASSAM.

4:SRI BAKA KHARIA
S/O- DAHARU KHARIA
R/O- ABHOYPURIA BONGALI GAON
P.O. MORANHAT
P.S. MORAN
DIST.- DIBRUGARH
ASSAM.

5:SRI BOGA KHARIA
R/O- MORAN KHATKHATI
TIPU BASTI

P.O. MORANHAT
P.S. MORAN
DIST.- DIBRUGARH
ASSAM.

6:SRI SUKRA KHARIA
S/O- DAHARU KHARIA
R/O- ABHOYPURIA BONGALI GAON
P.O. MORANHAT
P.S. MORAN
DIST.- DIBRUGARH
ASSAM.

7:SRI SANU KHARIA
S/O- DAHARU KHARIA
R/O- ABHOYPURIA BONGALI GAON
P.O. MORANHAT
P.S. MORAN
DIST.- DIBRUGARH
ASSAM

Advocate for the Petitioner : MR C BARUAH

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

Date : 17-06-2019

The present appeal has been preferred against the judgment and decree dated 11.02.2019, passed by the learned Civil Judge, Dibrugarh in Title Appeal No. 02/2017, partly allowing the appeal by reversing the judgment and decree dated 28.11.2016, passed by the learned Munsif No. 1, Dibrugarh in Title Suit No. 17/2010. The present appellant was the plaintiffs in the original suit.

I have heard Shri B. Baruah, learned counsel for the appellant. The grounds of appeal have also been perused.

The appeal is admitted on the following substantial questions of law:

1. Whether the lower appellate court erred in law to held that exhibit Ka though unregistered deed of Sale of immovable property although compulsorily registrable as per section 17 of the Registration Act, is admissible in evidence to prove the sale?

2. Whether the learned appellate court was justified in reversing the finding of the learned trial court to held that the admission as possessions of the plaintiff over the suit land is past possession?

The appeal may be heard on substantial questions of law that may be followed by other substantial questions of law after issuing notice to the parties.

The learned counsel for the appellant to take steps for service of notice upon the respondents by usual process as well as by registered post with A/D within 3 (three) days from today.

JUDGE

Comparing Assistant