

GAHC010113102026



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

Case No. : RSA/72/2026

SMT. NOLINI SARKAR AND 2 ORS.
W/O LATE KIRAN SARKAR @ LUCHARAM SARKAR, R/O VILLAGE-
TALGURI, P.O.- KYETHPARA, P.S.- ABHAYAPURI, DIST- BONGAIGAON,
ASSAM

2: AMAR SARKAR @ LACHIT SARKAR
S/O LATE KIRAN SARKAR @ LUCHARAM SARKAR
R/O VILLAGE- TALGURI
P.O.- KYETHPARA
P.S.- ABHAYAPURI
DIST- BONGAIGAON
ASSAM

3: GAUTAM SARKAR
S/O LATE KIRAN SARKAR @ LUCHARAM SARKAR
R/O VILLAGE- TALGURI
P.O.- KYETHPARA
P.S.- ABHAYAPURI
DIST- BONGAIGAON
ASSA

VERSUS

MATHURA MOHAN SARKAR
S/O LATE KSHIRENDRA SARKAR, R/O VILLAGE- TALGURI, P.O.-
KYETHPARA, P.S.- ABHAYAPURI, DIST- BONGAIGAON, ASSAM

Advocate for the Petitioner : MR. B J MUKHERJEE, MS R SAHA

Advocate for the Respondent : ,

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

ORDER

15.06.2026

[1] Heard Mr. B.J. Mukherjee, the learned counsel for the appellants.

[2] This appeal under Section 100 of the Code of Civil Procedure, 1908 has been filed by the appellants, impugning the order dated 20.02.2026, passed by the court of the learned Civil Judge (Senior Division), Bongaigaon in the Title Appeal No. 09/2025, whereby the said appeal was dismissed on being barred by limitation as a consequence of dismissal of Petition No. 1322/2025 filed by the present appellants under Section 5 of the Limitation Act, praying for condonation of delay in preferring the connected Title Appeal No. 09/2025.

[3] After considering the submissions made by the learned counsel for the appellants and after going through the materials available on record, following substantial question of law is formulated in this appeal:-

“Whether the order dated 20.02.2026, passed by the court of the learned Civil Judge (Senior Division), Bongaigaon in Title Appeal No. 09/2025 is hit by perversity?”

[4] Issue notice to the respondent.

[5] The appellants shall take steps for issuance of notice upon the respondent by speed post as well as

by usual mode within 7(seven) days from the date of this order, returnable on 30th July, 2026.

[6] Let also the records of the First Appellate Court and the trial court be requisitioned.

[7] The Registry shall take steps for requisitioning the aforesaid records.

[8] List accordingly.

JUDGE

Comparing Assistant