

GAHC010115262025



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

Case No. : CRP/74/2025

THANESWAR BORA AND ANR
S/O LATE DURGA KALITA, R/O PARBATIA GAON, P.O. PARBATIA, P.S.
PULIBOR, DISTRICT - JORHAT, ASSAM - 785006.

2: SMTI RENUMAI DUTTA TAMULI
R/O TILIKIAM BEZGAON
P.O. TILIKIAM
P.S. PULIBOR
DISTRICT - JORHAT
ASSAM - 785006

VERSUS

BHOBEN BORA
S/O LATE PUNIRAM BORA AND LATE BOGI BORA, R/O PARBATIA GOAN,
P.O.- PARBATIA, P.S.- PULIBOR, DISTRICT - JORHAT, ASSAM.

Linked Case : I.A.(Civil)/1746/2025

THANESWAR BORA AND ANR
S/O LATE DURGA KALITA R/O PARBATIA GAON
P.O. PARBATIA
P.S. PULIBOR
DISTRICT - JORHAT
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P.O. PARBATIA
P.S. PULIBOR
DISTRICT - JORHAT
ASSAM.

For the petitioner (s) : Mr. B. D. Das, Sr. Advocate
Mr. D. Kalita, Advocate

For the respondent (s) : XXXX

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

04.06.2025

Issue notice making it returnable on 26.06.2025.

2. Steps be taken upon the sole respondent by way of registered post with A/D as well as through usual process by tomorrow, i.e. on 05.06.2025.
3. In addition to that, the petitioners are also given the liberty to take steps upon the respondent by way of dasti routed through the Registry of this Court and file an affidavit of service on or before the next date.
4. The petitioners have assailed the order dated 30.04.2025

passed in Misc.(A) Case No.18/2024 by the Court of the learned Additional District Judge, Jorhat primarily on the ground that the learned First Appellate Court erred in exercising its jurisdiction over the order of injunction passed by the learned Court of the first instance.

5. The learned senior counsels appearing on behalf of the petitioners submitted that as the scope of the appellate jurisdiction being very limited, the learned First Appellate Court ought not to have in the present facts interfered with the order passed by the learned Court of the first instance.

6. Be that as it may, it is seen that the impugned order was passed on 30.04.2025 and the matter having been taken up today in the month of June, 2025, it would not be proper on the part of this Court to pass an ex-parte order.

7. Accordingly, this Court shall pass appropriate order after service of notice upon the respondent on the next date.

JUDGE

Comparing Assistant