

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.

Advocate for the Petitioner : MR B D DAS, MR. H R DAS, MR D KALITA, MR H K SARMA
Advocate for the Respondent : MR. P P DAS, MR B DEKA, MR. SURAJIT DAS

:: BEFORE ::

(HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA)

Advocate(s) for the Petitioners : Mr. B.D. Das,
Advocate.

Advocate(s) for the Respondent : Mr. S. Das,
Advocate.

Date on which judgment is reserved : 04.12.2025.

Date of pronouncement of judgment : 20.01.2026.

Whether the pronouncement is of the
operative part of the judgment? : YES.

Whether the full judgment has been
pronounced? : YES.

JUDGMENT AND ORDER (CAV)

Heard Mr. B.D. Das, learned counsel appearing for the petitioners. Also heard Mr. S. Das, learned counsel representing the sole respondent.

2. This is an application under Article 227 of the Constitution of India challenging the judgment dated 30.04.2025 passed by the learned Addl. District Judge, Jorhat in Misc.(A) Case No.18/2024 vacating the order dated 04.12.2024 passed by the learned Civil Judge (Sr. Divn.), Jorhat in Misc.(J) Case N.107/2024.

3. In an injunction petition under Order 39 Rule 1 and 2 of the Code of Civil Procedure, the learned Civil Judge (Sr. Divn.) at Jorhat granted temporary injunction restraining the defendants from entering into the suit land as well as from using the suit land in any manner.

4. The learned Addl. District Judge, on appeal, disagreed with the trial judge and set aside the said injunction order.

5. I have considered the submissions made by the learned counsel of both sides.

6. The main grounds on which the High Court interferes under Article 227 of the Constitution of India are –

- i. When the inferior Courts act arbitrarily
- ii. When the inferior Courts act in excess of the Jurisdiction vested in them.
- iii. When the inferior Courts fail to exercise jurisdiction vested in them.

7. It is pertinent to note that the High Court does not interfere for correcting mere error of facts or, with a finding of the subordinate court which is within the jurisdiction of such court. However, if, such finding is perverse in such a sense that no prudent person having the knowledge of law could have arrived at such finding, or the finding is not based on any material evidence or, such finding results in manifestation of injustice or if there is a misdirection in law then the High Court can interfere under Article 227 of the Constitution of India.

8. The learned appellate court exercised its power under Order 43 Rule 1(r) of the Code of Civil

Procedure. While exercising the power under Article 227 of the Constitution of India, High Court does not sit on appeal to go into the merit of the case. The power under Article 227 is supervisory in nature. The learned appellate court acted within its jurisdiction. There is nothing wrong with the judgment passed by the learned appellate court.

9. Under the aforesaid circumstances, the revision petition is found to be devoid of merit, stands dismissed and disposed of accordingly.

JUDGE

Comparing Assistant