

GAHC010116302026



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

**Case No. : RSA/74/2026**

ON THE DEATH OF AJIT CHANDRA DEB, HIS LEGAL HEIRS  
NAMELY

1.1: MUNNA RANI DEB  
DAUGHTER OF LATE AJIT CHANDRA DEB  
RESIDENT OF RANGPUR PART-IV  
P.S.- SILCHAR  
DIST- CACHAR  
PIN- 788009  
ASSAM

1.2: ARJUN DEB  
SON OF LATE AJIT CHANDRA DEB  
RESIDENT OF RANGPUR PART-IV  
P.S.- SILCHAR  
DIST- CACHAR  
PIN- 788009  
ASSAM

1.3: ARPITA DEB  
DAUGHTER OF LATE AJIT CHANDRA DEB  
RESIDENT OF RANGPUR PART-IV  
P.S.- SILCHAR  
DIST- CACHAR  
PIN- 788009  
ASSAM

1.4: ASMITA DEB  
DAUGHTER OF LATE AJIT CHANDRA DEB  
RESIDENT OF RANGPUR PART-IV  
P.S.- SILCHAR  
DIST- CACHAR  
PIN- 788009  
ASSA

VERSUS

ON THE DEATH OF MANOJ KUMAR DAS, HIS LEGAL HEIRS AND 3 ORS.  
NAMELY

1.1:MONOJIT DAS  
SON OF LATE MANMOTH NATH DAS  
RESIDENT OF LAKHIPUR TOWN  
P.O. AND P.S.- LAKHIPUR  
DISTRICT- CACHAR  
ASSAM  
PIN- 78103

1.2:RAHUL DAS  
SON OF LATE MANMOTH NATH DAS  
RESIDENT OF LAKHIPUR TOWN  
P.O. AND P.S.- LAKHIPUR  
DISTRICT- CACHAR  
ASSAM  
PIN- 78103

2:SMT MANJU RANI DEB  
WIFE OF LATE KARTIK CHANDRA DEB  
RESIDENT OF RONGPUR  
P.O. AND P.S.- SILCHAR  
DISST- CACHAR  
ASSAM  
PIN- 788009

3:MANISH DEB @ BABLU DEB  
SON OF LATE KARTIK CHANDRA DEB  
RESIDENT OF RONGPUR  
P.O. AND P.S.- SILCHAR  
DISST- CACHAR  
ASSAM  
PIN- 788009

4:SMT. SMITA DEB  
DAUGHTER OF LATE KARTIK CHANDRA DEB  
RESIDENT OF RONGPUR  
P.O. AND P.S.- SILCHAR  
DISST- CACHAR  
ASSAM  
PIN- 78800

**Advocate for the Petitioner** : MR. N SHARMA, B K SINGHA

Advocate for the Respondent : ,

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

**ORDER**

Date : **17.06.2026**

- 1.** Heard Mr. N. Sharma, learned counsel for the appellants.
- 2.** This application under Section 100 of the Code of Civil Procedure, 1908 has been filed by the appellants impugning the judgment and decree dated 11.03.2026, passed by the Court of learned Additional District Judge (FTC), Cachar, Silchar, in Misc. Appeal No. 12/2018, whereby it affirmed and upheld the order dated 27.08.2018, passed by the Court of learned Civil Judge (Senior Division) No. 1, Cachar, Silchar, in Misc. Case No. 13/2007 arising out of Title Execution Case No. 1/2005, whereby the application filed by the present appellant under Order 21 Rules 97/99 of Code of Civil Procedure, 1908 has been dismissed.
- 3.** After going through the materials available on record as well as after considering the submissions made by the learned counsel for the appellants, following substantial questions of law is formulated in this appeal:-

*“Whether the Executing Court and the First Appellate Court committed perversity in dismissing the application filed by the appellant under Order 21 Rules 97/99 of Code of Civil Procedure, 1908 without considering the fact that the present appellants were admittedly joint owner of the decreetal land and there was no partition amongst co-pattadar?”*
- 4.** Issue notice to the respondents.

**5.** The appellants shall take steps for issuance of notice upon the respondents by speed post as well as by usual mode within seven days from the date of this order, returnable on 10<sup>th</sup> of August, 2026.

**6.** Let the records of Executing Court as well as the First Appellate Court be called for.

**7.** List accordingly.

**JUDGE**

**Comparing Assistant**