

GAHC010116582026



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

**Case No. : RSA/76/2026**

HAZRAT ALI AND ORS  
S/O LATE JOYNAL BEPARI

2: MOKSED ALI  
S/O LATE JOYNAL BEPARI

3: ON THE DEATH OF AYNAL HOQUE HIS LEGAL HEIRS  
REPRESENTATIVES  
NAMELY

4: JOHIRAM NESSA  
DIST. DHUBRI

5: AKHIRUL ISLAM  
DIST. DHUBRI

6: NILIMA KHATUN  
DIST. DHUBRI

7: RAHIMA KHATUN  
DIST. DHUBRI

8: MORZINA KHATUN  
DIST. DHUBRI

9: KHADIJA KHATUN  
DIST. DHUBRI

10: REJINA KHATUN  
MINOR  
REPRESENTED BY HER MOTHER I.E. JOHIRAM NESSA  
NO. 3i IS WIFE NO 3ii IS SON AND NO 3iii TO 3Vii ARE THE DAUGHTERS OF  
LATE AYNAL HOQUE

11: ASHAN ALI  
DIST. DHUBRI

12: PASHAN ALI ALIAS BEPARI  
DIST. DHUBRI

13: SHAJAMAL  
DIST. DHUBRI

14: SAHA ALOM  
DIST. DHUBRI

15: NUR ALOM  
DIST. DHUBRI

16: SOHIDUR ISLAM  
NO 4 TO 9 ALL ARE SONS OF LATE HAZRAT ALI  
ALL ARE R/O VILL. SALMARA PART VIII  
P.O. BONDIHANA  
P.S. FAKIRGANJ  
DIST. DHUBRI  
ASSAM  
PIN 78334

VERSUS

RAFATULLAH SK AND ORS  
S/O LATE HARU SK

2:JOBED ALI  
S/O LATE HARU SK

3:ON THE DEATH OF SOBED ALI HIS LEGAL HEIRS  
NAMELY

4:PAROM ALI  
DIST. DHUBRI

5:AMOD ALI  
DIST. DHUBRI

6:MAMUD ALI  
DIST. DHUBRI

7:ABDUL HUSSAIN  
DIST. DHUBRI

8:SAMAD ALI

DIST. DHUBRI

9:PARAN ALI  
DIST. DHUBRI

10:SAFIA KHATUN  
DIST. DHUBRI

11:AYESHA KHATUN  
DIST. DHUBRI

12:KANCHAN BEWA  
NO 3I TO 3VI ARE SONS NO 3 VII AND 3 VII ARE DAUGHTERS AND 3IX IS  
WIFE OF LATE SOBAD ALI  
NO 1  
2 AND 3I TO 3IX ALL ARE R/O VILL. TOP PARA JHOWPARA PART I  
P.O. RANGAMATI  
P.S. GAURIPUR  
DIST. DHUBRI  
ASSAM  
PIN 783331

13:JAHER ALI  
S/O LATE JOLEMON BIBI

14:ON THE DEATH OF JOHOR ALI HIS LEGAL HEIRS  
NAMELY

15:BISHA SK  
DIST. DHUBRI

16:HANIF ALI  
BOTH ARE SONS OF LATE JOHOR ALI

17:ON THE DEATH OF MOHOR ALI HIS LEGAL REPRESENTATIVES  
MAMELY

18:MONTAJ ALI  
DIST. DHUBRI

19:INTAJ ALI  
DIST. DHUBRI

20:NURJAHAN BIBI  
NO 6 I  
6II ARE SONS AND 6 III IS W/O LATE MOHOR ALI

21:ISHARUDDIN

S/O LATE MOIMON BIBI

22:ROHIMA KHATUN  
D/O LATE MOIMON BIBI NO 4 TO 8 ALL ARE R/O VILL. MASIPARA PART I  
P.O. BONDIHANA  
P.S. FAKIRGANJ  
DIST. DHUBRI  
ASSAM  
PIN 783349

23:CHAN MIA  
S/O SINAD SK  
R/O VILL. SALMARA PART VIII  
P.O. BONDIHANA  
P.S. FAKIRGANJ  
DIST. DHUBRI  
ASSAM  
PIN 783349

24:SHER ALI  
S/O RAHIM  
R/O VILL. SALMARA PART VIII  
P.O. BONDIHANA  
P.S. FAKIRGANJ  
DIST. DHUBRI  
ASSAM  
PIN 78334

**Advocate for the Petitioner** : MR B DEORI, MR G BHARADWAJ,MR. A C SARMA

**Advocate for the Respondent** : ,

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

**ORDER**

**Date : 17.06.2026**

- 1.** Heard Mr. A. C. Sarma, 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 passed by the Court of learned District Judge, Dhubri, in Title Appeal No.

4/2024 on 27.03.2026 whereby the judgment and decree passed by the Court of learned Civil Judge (Senior Division), Dhubri, in Title Suit No. 15/2017 on 20.05.2024 was affirmed.

**3.** After going through the materials 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 Trial Court as well as the First Appellate Court had committed perversity in holding that the suit land in Title Suit No. 15/17 is same as the suit land in Title Suit No. 34/1982 and whether both the courts below erred in decreeing the suit and affirming the same respectively.*

**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.** List accordingly.

**JUDGE**

**Comparing Assistant**