

GAHC010119672026



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

Case No. : CRP(IO)/248/2026

RANJIT SAHA AND 3 ORS.

S/O LATE LAKHINDER SAHA, RESIDENT OF PAILAPOOL BAZAR, NEAR
PAILAPOOL RICE MILL, P.S.- LAKHIPUR, P.O.- PAILAPOOL BAZAR, DIST-
CACHAR, ASSAM, PIN- 788098

2: SMTI. MOINA SAHA
W/O LATE SUGHUBIR SAHA
RESIDENT OF PAILAPOOL BAZAR
NEAR PAILAPOOL RICE MILL
P.S.- LAKHIPUR
P.O.- PAILAPOOL BAZAR
DIST- CACHAR
ASSAM
PIN- 788098

3: SMTI. MUNNI SAHA
D/O LATE LAKHINDER SAHA
RESIDENT OF PAILAPOOL BAZAR
NEAR PAILAPOOL RICE MILL
P.S.- LAKHIPUR
P.O.- PAILAPOOL BAZAR
DIST- CACHAR
ASSAM
PIN- 788098

4: SMTI. BASANTI SAHA
S/O LATE LAKHINDER SAHA
RESIDENT OF PAILAPOOL BAZAR
NEAR PAILAPOOL RICE MILL
P.S.- LAKHIPUR
P.O.- PAILAPOOL BAZAR
DIST- CACHAR
ASSAM
PIN- 78809

VERSUS

MANOJ LALA AND ANR
S/O LATE MOHANLAL LALA, RESIDENT OF CENTRAL ROAD, SILCHAR,
P.O. AND P.S.- SILCHAR, DIST- CACHAR, ASSAM, PIN- 788001

2:DEEPAK LALA
S/O LATE MOHANLAL LALA
RESIDENT OF CENTRAL ROAD
SILCHAR
P.O. AND P.S.- SILCHAR
DIST- CACHAR
ASSAM
PIN- 78800

Advocate for the Petitioner : MR. I ALAM, MR. T SK

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 15.06.2026

- 1.** Heard Mr. I. Alam, learned counsel for the petitioners.
- 2.** This application under Article 227 of the Constitution of India has been filed by the petitioners impugning the order dated 04.05.2026, passed by the Court of learned Civil Judge (Junior Division), No. 5, Cachar, Silchar, in Title Execution Case No. 55/2025 whereby writ for delivery of possession has been issued by the executing court in respect of the decretal land in connection with Title Suit No. 189/2021.
- 3.** The learned counsel for the petitioners has submitted that the petitioners have preferred an appeal before the Court of learned Civil Judge (Senior Division) No. 1, Cachar, Silchar against the decree passed in Title Suit

No. 189/2021. He submits that said appeal has been registered as Title Appeal No. 42/2025. He also submits that in the aforesaid appeal the present petitioners, on 05.05.2026 have filed an application under Order 41 Rule 5 of the Code of Civil Procedure praying for stay of execution of the impugned decree during dependency of the Title Appeal No. 42/2025. He submits that the copy of the said application filed by the petitioners has also been received by the respondent side. However, the appellate court has fixed the next date in the Title Appeal on 06.07.2026. The said date is also fixed for objection hearing on the petition No. 467/2012 i.e., (the application filed by the present petitioner for stay of execution).

4. The learned counsel for the petitioners submits that in the meanwhile, the executing court of learned Civil Judge (Junior Division), No. 5 has already issued writ on 04.05.2026 and fixed the next date on 22.06.2026. The learned counsel for the petitioners submits that though the present petitioners have preferred an appeal against the decree passed in Title Suit No. 189/2021 and also filed an application under Order 41 Rule 5 for stay of execution of the decree. However, considering the fact that the appellate court has fixed the hearing of the petition on 06.07.2026, unless the proceeding of Title Execution Case No. 55/2025 is stayed till that day, the appeal preferred by the present petitioner may become infructuous.

5. I have considered the submissions made by learned counsel for the petitioners and have gone through the materials on the ground.

6. It appears that the next day before the executing court is fixed on 22.06.2026. However, the date fixed for hearing on the application for stay of execution filed by the present petitioners is on 06.7.2026. If before deciding the

application for stay filed by the present petitioners, the decree is executed, the application for stay filed by the present petitioners as well as the appeal preferred by the present petitioner impugning the decree passed in Title Suit No. 189/2021 may become infructuous.

7. As such, this revision petition is disposed of without issuing notice to the respondents by directing the executing court not to execute the decree passed in Title Suit No. 189/2021 till the appellate court decides the petition No. 467/12 filed by the present petitioners i.e., the petition for stay of execution of the aforesaid decree.

8. With above observation, this revision petition is disposed of.

JUDGE

Comparing Assistant