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

Case No. : I.A.(Civil)/2126/2026

MD. TAHER ALI
S/O.- LATE TOMIZUDDIN
R/O-RANGAGARAH HUI TANPARA
MOUZA- KACHAMARI
P.S.- NAGAON
SADAR DISTRICT OF NAGAON
ASSAM PH. NO. 912608978

VERSUS

MD. SAHABUDDIN
S/O- LATE HAFIZUDDIN
R/O-RANGAGARAH HUI TANPARA
MOUZA- KACHAMARI
P.S.- NAGAON
SADAR DISTRICT OF NAGAON
ASSAM

Advocate for : MR. D MAZUMDAR
Advocate for : appearing for MD. SAHABUDDIN

BEFORE
HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA
O R D E R

22.06.2026

Heard Mr. D. Mazumdar, learned senior counsel assisted by Mr. D. Mazumdar, learned counsel for the applicant/appellant.

2. This Interlocutory application under Order 41 Rule 5 of the Code of Civil

Procedure, 1908 has been filed by the applicant/appellant in connection with Regular Second Appeal No.81/2026, praying for stay of execution of the impugned decree, which is sought to be executed in Title Execution Case No.12/2026 during the pendency of the connected RSA No.81/2026.

3. The learned senior counsel for the applicant/appellant submits that the connected RSA has already been admitted and substantial question of law has been formulated and notice is also issued to the respondent. He submits that since the decree holder has already initiated execution proceeding by filing Title Execution Case No.12/2026, unless the proceeding of the said Title Execution case is stayed during the pendency of the connected RSA, the present applicant would be highly prejudiced.

4. Issue notice to the respondent.

5. Applicant/appellant shall take steps for issuance of notice to the respondent by speed post as well as by usual mode within 07(seven) days from the date of this order, returnable on 10.08.2026.

6. In the meanwhile, considering the submission made by the learned senior counsel for the applicant/appellant as well as considering the fact that the connected RSA has already been admitted, the further proceeding of Title Execution Case No.12/2026, pending in the Court of learned Civil Judge (Junior Division) No.2, Nagaon, shall remain stayed till the next returnable date.

7. List accordingly.

JUDGE

Comparing Assistant