

GAHC010122462021



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

Case No. : RSA/104/2021

MD. BAHAR UDDIN LASKAR AND ANR.
S/O- SONAHAR ALI LASKAR, VILL.- RAKARPAR, KAPTANPUR PART-XIII,
P.O. RUPAIBALI, DIST. CACHAR, ASSAM

2: MD. BABUR ALI LASKAR
S/O- LATE RAJA MIA LASKAR
VILL.- RAKARPAR
KAPTANPUR PART-XIII
P.O. RUPAIBALI
DIST. CACHAR
ASSA

VERSUS

MD. KARIM UDDIN LASKAR AND 2 ORS.
S/O- LATE KARI MASUR UDDIN LASKAR, R/O- VILL.- RANIRGHAT PART-I,
P.O. GOVINDAPUR, DIST.- CACHAR, ASSAM, PIN- 788101.

2:MD. NAIM UDDIN LASKAR
S/O- LATE KARI MASUR UDDIN LASKAR
R/O- VILL.- RANIRGHAT PART-I
P.O. GOVINDAPUR
DIST.- CACHAR
ASSAM
PIN- 788101.

3:MD. RAHIM UDDIN LASKAR
S/O- LATE KARI MASUR UDDIN LASKAR
R/O- VILL.- RANIRGHAT PART-I
P.O. GOVINDAPUR
DIST.- CACHAR
ASSAM
PIN- 788101

Advocate for the Petitioner : MR. J LASKAR

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

28.10.2021

Heard Mr. J. Laskar, learned counsel for the appellant.

The appeal is admitted for hearing upon the following 5 (five) substantial questions of law:

- (i) Whether the learned Courts below is justified in holding that the respondents/plaintiffs have preferential right of purchasing the suit land without taking into consideration of Sections 231,232,235 & 236 of Mohammadan Law?*
- (ii) Whether the learned Court below is justified in allowing the appeal without taking into consideration of Section 232 of Mahammadan Law and Section 61 of Registration Act, 1908?*
- (iii) Whether the learned Court below is justified in allowing the appeal without taking into consideration of Section 21 A of the Registration (Assam Amendment) Act, 2009?*
- (iv) Whether the learned Court below is justified in allowing the appeal without taking into consideration of admission on the part of PW01 that the inherited land was partitioned orally and after verbal partition the proforma defendant sold the suit land?*
- (v) Whether the learned Court below is justified in allowing the appeal on wrong appreciation of evidences of PWs?*

Issue Notice to the respondents by registered post with A/D and other usual process.

Call for the LCR.

List after 6 (six) weeks.

JUDGE

Comparing Assistant