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

Case No. : CRP/122/2024

ON THE DEATH OF SRI RAM NARAYAN SARMAH @ MISTRY HIS LEGAL
HEIRS JANKI DEVI AND 8 ORS
W/O LATE RAM NARAYAN SARMAH @ MISTRY, R/O DHEKIAJULI TOWN,
WARD NO. 2, P.O AND P.S - DHEKIAJULI, DIST- SONITPUR, ASSAM.

2: MONISANKAR SARMAH
S/O- LATE RAM NARAYAN SARMAH @ MISTRY
R/O- VILL.- BHALUKDHARA DHEKIAJULI
P.O. AND P.S. DHEKIAJULI
DIST. SONITPUR
ASSAM

3: SIV SANKAR SARMAH
S/O- LATE RAM NARAYAN SARMAH @ MISTRY
R/O- MOINAJULI
DHEKIAJULI
P.O. AND P.S. DHEKIAJULI
DIST. SONITPUR
ASSAM

4: UMA SANKAR SARMAH
S/O- LATE RAM NARAYAN SARMAH @ MISTRY
R/O- MISSAH
NAGAON
ASSAM

5: TINKU SARMAH @ TINKU SHANKAR SARMAH
S/O- LATE RAM NARAYAN SARMAH @ MISTRY
R/O- DHEKIAJULI TOWN
WARD NO. 2
P.O. AND P.S. DHEKIAJULI
DIST. SONITPUR
ASSAM

6: PRADIP SARMAH
S/O- LATE RAM NARAYAN SARMAH @ MISTRY
R/O- DHEKIAJULI TOWN
WARD NO. 2
P.O. AND P.S. DHEKIAJULI
DIST. SONITPUR
ASSAM

7: KIRAN SARMAH
W/O- PANKAJ SARMAH
R/O- BAMUNIMAIDAN
GUWAHATI
DIST. KAMRUP(M)
ASSAM

8: PRATIMA SARMAH
W/O- SRI RANJIT SARMAH
R/O- DHEKIAJULI TOWN
WARD NO. 2
P.O. AND P.S. DHEKIAJULI
DIST. SONITPUR
ASSAM

9: SANGITA SARMAH
W/O- SRI UPENDRA SARMAH
R/O- P.O.MAHUWA CHOWK
DIST. HAJPUR
BIHAR

VERSUS

SRI RAM KUMAR MISTRY AND 4 ORS (B)
S/O LATE MUNSI MISTRY, RESIDENT OF DHEKIAJULI TOWN, WARD NO. 2,
P.O AND P.S - DHEKIAJULI, DISTRICT- SONITPUR,PIN- 784110, ASSAM.

2:SUDIR KUMAR MISTRY
S/O- LATE SUDARSHAN MISTRY
R/O- MOILA ALI
SIRAJUL DHEKIAJULI
P.O. AND P.S. DHEKIAJULI
DIST. SONITPUR
ASSAM

3:SMTI. PUNAM KUMARI
D/O LATE SUDARSHAN MISTRY
R/O VILLAGE- MOILA ALI
P.O. AND P.S - DHEKIAJULI
DISTRICT- SONITPUR

ASSAM.

4:SMTI. SABITA KUMARI
D/O LATE SUDARSHAN MISTRY
R/O VILLAGE- MOILA ALI
P.O. AND P.S - DHEKIAJULI
DISTRICT- SONITPUR
ASSAM.

5:SMTI. RINKU KUMARI
D/O LATE SUDARSHAN MISTRY
R/O VILLAGE- MOILA ALI
P.O. AND P.S - DHEKIAJULI
DISTRICT- SONITPUR
ASSAM

Advocate for the Petitioner : MR B DEORI, MR. B HALDAR,MR G BHARADWAJ

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 22.11.2024

Heard Mr. A. C Sarma, learned Senior Counsel assisted by Mr. B Haldar, learned counsel for the petitioners; Mr. A Ganguly, learned counsel for the respondent Nos.1 & 2.

This revision petition is directed against the Judgment and Order passed by the learned District Judge, Sonitpur in Title Appeal No. 02/2021 dated 03.08.2023, by which the learned District Judge, Sonitpur has uphold the Judgment and Order dated 24.02.2021 passed by the learned Munsiff No.1, Sonitpur (Civil Judge Jr. Div No.1) in Title Suit No. 82/2015.

Perused the memo of appeal and the grounds mentioned therein and also

perused the impugned Judgment and Order dated 03.08.2023 passed in Title Appeal No. 02/2021, and the Judgment and Order dated 24.02.2021 passed in Title Suit No. 82/2015.

Admit.

Let notice be issued to the respondents, however no formal notice is need to be required to the respondent Nos. 1 & 2, since Mr. A. Ganguly, has entered appearance and received notice, however extra requisite copies of the writ petition be served upon him during the course of the day.

Mr. A.C. Sarma, learned Senior Counsel for the petitioners submits that respondent Nos. 3,4 & 5 are proforma respondents and they are not necessary party and their name may be struck off from the array of respondents.

Accordingly, it is provided that the name of the respondent Nos. 3,4 & 5 are struck off from the array of respondents at the risk of the petitioners.

Registry shall call for the records from the learned courts below.

Mr. A. C. Sarma, learned Senior Counsel for the petitioner also submits that there is an requirement for staying the impugned Judgment and Order since the respondents herein have already initiated Title Execution Case No. 07/2021 till disposal of the revision petition.

Having considered the submissions of learned advocates of both sides and also considering the facts and circumstances of the record the impugned Judgment and Order dated 03.08.2023 stands stayed and also the judgment and order dated 24.02.2021 passed the learned Munsiff No.1, Sonitpur (Civil Judge Jr. Div No.1) stands stayed till disposal of the revision petition.

List the matter on 28.11.2024, on that day an effort will be made to finally

here and dispose of the petition.

JUDGE

Comparing Assistant