

GAHC010137702023



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

Case No. : RSA/124/2023

ABDUL HOQUE BARBHUIYA
S/O LATE HABIB ALI BARBHUIYA
RESIDENT OF HAILAKANDI TOWN, WARD NO. 2, PO VICHINGCHA, PS
HAILAKANDI, DIST HAILAKANDI, ASAM 788151

VERSUS

JAMAL UDDIN MAZUMDER AND 4 ORS.
S/O LATE ATAUR RAHMAN MAZUMDER
RESIDENT OF HAILAKANDI TOWN, WARD NO. 2, PO VICHINGCHA, PS
HAILAKANDI, DIST HAILAKANDI, ASAM 788151

2:MAYARUN NESSA
D/O LATE ATAUR RAHMAN MAZUMDER
W/O NAZRUL HOQUE CHOUDHURY
RESIDENT OF HAILAKANDI TOWN
WARD NO. 2
PO VICHINGCHA
PS HAILAKANDI
DIST HAILAKANDI
ASAM 788151

3:RIJMA BEGUM
D/O LATE ATAUR RAHMAN MAZUMDER
W/O WAJINUR LASKAR
RESIDENT OF NARAINPUR PART III
PS HAILAKANDI
DIST HAILAKANDI
ASAM 788152

4:AYESHA BEGUM
D/O LATE ATAUR RAHMAN
W/O LUBAB UDDIN

RESIDENT OF BARAIGRAM
PS NILAMBAZAR
DIST KARIMGANJ
ASSAM 788723

5:RIMA BEGUM
D/O LATE ATAUR RAHMAN MAZUMDER
RESIDENT OF HAILAKANDI TOWN
WARD NO. 2
PO VICHINGCHA
PS HAILAKANDI
DIST HAILAKANDI
ASSAM 788151

6:MD. MINHAZ UDDIN LASKAR
S/O LATE HAJI MD. NASIB UDDIN LASKAR
RESIDENT OF HAILAKANDI TOWN WARD NO. 1
C/O M/S LASKAR TRADERS
HAILAKANDI TOWN
HAILAKANDI TOWN
PO
PS AND DIST HAILAKANDI
ASSAM 788151

7:MD. SIRAJ UDDIN LASKAR
S/O LATE HAJI MD. NASIB UDDIN LASKAR
RESIDENT OF HAILAKANDI TOWN WARD NO. 1
C/O M/S LASKAR TRADERS
HAILAKANDI TOWN
HAILAKANDI TOWN
PO PS AND DIST HAILAKANDI
ASSAM 788151

8:ANAM UDDIN LASKAR
S/O ABDUL WAHAB LASKAR
RESIDENT OF HAILAKANDI TOWN
WARD NO. 4
PO PS AND DIST HAILAKANDI
ASSAM 78815

Advocate for the Petitioner : MR F U BARBHUIYA

Advocate for the Respondent :

BEFORE

HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 31.07.2023

Heard Mr. F.U. Barbhuyan, learned counsels for the appellant.

The appeal is admitted for hearing upon the following substantial question of law.

1. Whether the findings and decisions arrived at both the learned Courts below by ignoring and overlooking the evidence and documents placed on records are not perverse?
2. Whether the findings and decision arrived at both the Courts below are correct in appreciating the Exhibit-A when the schedule of the land mentioned in the plaint and the land in Exhibit-2 are different from each other are not perverse?
3. Whether the findings and decision of the learned Trial Court in appreciating the Exhibit-A without complying the Sections 71 and 73 of the Indian Evidence Act, 1872 are not perverse?

The appellant shall be at liberty to raise any other substantial question of law at the time of hearing.

Issue notice returnable in four weeks.

The appellant shall take step for service of notice upon the respondent by registered post with AD.

Call for the LCR.

List the matter after four weeks.

JUDGE

Comparing Assistant