

GAHC010140252024



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

Case No. : RFA/31/2025

BINAPANI DAS AND 4 ORS
W/O LATE ELARAM DAS

2: SRI BISHNU PRASHAD DAS

S/O LATE ELARAM DAS

3: SRI JYOTI PRASHAD DAS

S/O LATE ELARAM DAS

4: BIDYUT BIKASH BHAGAWATI
S/O LATE ELARAM DAS

5: SRI AJIT KUMAR DAS

S/O LATE ELARAM DAS
ALL ARE
RESIDENTS OF VILLAGE- PUB JALUGUTI
PO- JALUGUTI
DIST- MORIGAON
ASSAM
PIN- 78210

VERSUS

ON THE DEATH OF NIRMAL DAS HIS LEGAL HEIRS ANUPAM DAS AND
ORS F
S/O LATE NIRMAL DAS, RESIDENT OF ZOO NARENGI ROAD, 1ST BYE
LANE, NARIKAL BASTI, 4TH SUB BY LANE, HOUSE NO. 7, GUWAHATI
781024

1.1:SRI ANUPAM DAS
S/O LATE NIRMAL DAS
RESIDENT OF ZOO NARENGI ROAD
1ST BYE LANE
NARIKAL BASTI
4TH SUB BY LANE
HOUSE NO. 7
GUWAHATI 781024

1.2:SRI SWARUPA NANDA DAS

S/O LATE NIRMAL DAS

RESIDENT OF BAKUL BON HOUSING COLONY
EAST BOROSAJAI
BUILDING NO. 1
UNIT NO. 5
BHETAPARA ROAD
HATIGAON
PS HATIGAON
GUWAHATI 781038

1.3:SRI KAMALA DAS

D/O LATE NIRMAL DAS
RESIDENT OF ZOO NARENGI ROAD
1ST BYE LANE
NARIKAL BASTI
4TH SUB BY LANE
HOUSE NO. 7
GUWAHATI 781024

1.4:SMTI PURNIMA DAS

D/O LATE NIRMAL DAS
RESIDENT OF ZOO NARENGI ROAD
1ST BYE LANE
NARIKAL BASTI
4TH SUB BY LANE
HOUSE NO. 7
GUWAHATI 781024

PERMENENT ADDRESS OF RESPONDENT NO. 1.1 TO 1.4 OF VILLAGE PUB
JALUGUTI
MOUZA CHARAIBAHI
PO JALUGUTI
DIST MORIGAON

ASSAM 782104

2:SRI UPEN DAS
S/O LATE KALIRAM DAS

RESIDENT OF UZAN BAZAR
M.C ROAD
HOUSE NO. 52
PS LATASIL
DIST KAMRUP (M) ASSAM 78100

Advocate for the Petitioner : MR. A ALAM, M ALAMGEER,MR. M ALAM,MR. A I UDDIN

Advocate for the Respondent : , MR. R BARUAH(R-1,5),MS. M NATH(R-1,5),MS S
SIDDIQUA(R-1,5),MS. J SARMA(R-1,5)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

30.07.2025

Heard Mr. A.I. Uddin, learned counsel for the appellants and Mr. A. Ikbal, learned counsel for the respondent No. 1(i) and 2.

2. In this appeal, under Section 96 read with Order XLI rule 1 of the CPC, the appellants have put to challenge the correctness or otherwise of the judgment and preliminary decree dated 09.10.2023, passed by the learned Civil Judge (Senior Division), Morigaon, in Title Suit No. 02/2017.

3. It is to be noted here that vide judgment and preliminary decree dated 09.10.2023, the learned trial court had decreed the suit on contest and thereby, a preliminary decree was passed precept was issued directing the District Commissioner, Morigaon to effect partition of the suit land in metes and bounds.

4. Perused the memo of appeal as well as the grounds mentioned therein and also perused the judgment and preliminary decree dated 09.10.2023.

- 5.** Admit.
- 6.** Let notice be issued to the respondents, within a week from today, returnable in 4 weeks, by registered post with A/D and also by usual process. As Mr. Ikbal has appeared and accepted notice on behalf of the respondent Nos. 1(i) & 2, no formal notice is required to be issued. However, extra requisite copy of the appeal memo be furnished to him during the course of the day.
- 7.** The Registry shall call for the record from the learned trial court and reflect the name of Mr. Ikbal in the cause-list.
- 8.** List the matter on 10.09.2025.

JUDGE

Comparing Assistant