

GAHC010140292024



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

Case No. : RSA/124/2024

NURUZ ZAMAN
SON OF LATE JAHUR UDDIN,
RESIDENT OF VILLAGE - PUB MUKUNDA ATI, MOUZA - ALITANGANI,
DISTRICT - NAGAON, ASSAM, PIN - 782124 .

VERSUS

ON THE DEATH OF ABDUL GONI HIS LEGAL HEIRS ANOWARA KHATUN
AND ORS.
WIFE OF ABDUL RASHID KHAN,
RESIDENT OF VILLAGE - ALITAGONI, MOUZA - GARUBAT, DISTRICT -
NAGAON, ASSAM, PIN - 782122.

1.2:JAHANARA BEGUM
WIFE OF ABDUL GONI

RESIDENT OF VILLAGE - DHING GAON
MOUZA - ALITANGANI
DISTRICT - NAGAON
ASSAM
PIN - 782123.

1.3:FAZILA KHATUN
WIFE OF MD. SAMSUL HAQUE

RESIDENT OF VILLAGE - NO.2 BARALIMARI
MOUZA - ALITANGANI
DISTRICT - NAGAON
ASSAM
PIN - 782121.

2:ABDUL MATALIB

SON OF LATE ABDUL GONI

BOTH ARE RESIDENTS OF VILLAGE - KANDULIMARI
MOUZA - ALITANGANI
DISTRICT - NAGAON
ASSAM
PIN - 782123.

3:ABDUL HUSSAIN
SON OF LATE ABDUL GONI

BOTH ARE RESIDENTS OF VILLAGE - KANDULIMARI
MOUZA - ALITANGANI
DISTRICT - NAGAON
ASSAM
PIN - 782123.

4.1:ON THE DEATH OF ABDUL JALIL HIS HEIRS AND LEGAL
REPRESENTATIVES MAZIDA KHATUN AND 4 ORS.
WIFE OF LATE ABDUL JALIL

RESIDENT OF VILLAGE - KANDULIMARI
MOUZA - ALITANGANI
DISTRICT - NAGAON
ASSAM
PIN - 782123.

4.2:SALIMA KHATUN
DAUGHTER OF LATE ABDUL JALIL

RESIDENT OF VILLAGE - KANDULIMARI
MOUZA - ALITANGANI
DISTRICT - NAGAON
ASSAM
PIN - 782123.

4.3:MASUMA KHATUN
DAUGHTER OF LATE ABDUL JALIL
RESIDENT OF VILLAGE - KANDULIMARI
MOUZA - ALITANGANI
DISTRICT - NAGAON
ASSAM
PIN - 782123.

4.4:NAZIMA KHATUN
DAUGHTER OF LATE ABDUL JALIL
RESIDENT OF VILLAGE - KANDULIMARI
MOUZA - ALITANGANI

DISTRICT - NAGAON
ASSAM
PIN - 782123.

4.5:TAMANNA KHATUN
DAUGHTER OF LATE ABDUL JALIL
RESIDENT OF VILLAGE - KANDULIMARI
MOUZA - ALITANGANI
DISTRICT - NAGAON
ASSAM
PIN - 782123.

5:ABDUL ROFIQUE
SON OF LATE ABDUL GONI

RESIDENT OF VILLAGE - KANDULIMARI
MOUZA - ALITANGANI
DISTRICT - NAGAON
ASSAM
PIN - 782123

Advocate for the Petitioner : MR. A C SARMA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 19.07.2024

Heard Mr. A.C. Sarma, learned senior counsel, assisted by Mr. G. Bharadwaj, learned counsel for the appellant.

The appeal is admitted for hearing on the following two substantial questions of law:

- 1. Whether the learned Courts below erred in law in not considering Section 58 of the Evidence Act in as much as the defendants admitted the title of original owner of the land during cross-examination?*
- 2. Whether the judgment of the learned Courts below suffers from*

perversity in as much as the title deeds of the plaintiff/ appellant were not challenged by the defendants in the suit and the evidence lead by plaintiff/ appellant was unrebutted?

Issue notice to the respondents.

The appellant shall take steps for service of notice on the respondents by registered post with A.D.

Call for the LCR.

List after 4(four) weeks.

JUDGE

Comparing Assistant