

GAHC010163902021



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

Case No. : RSA/112/2021

MD. HABIJUDDIN FAKIR
S/O LATE MIASAN FAKIR, R/O VILL-NO. 3 RANGAPARA, MOUZA-
BORSALA, P.S.-DHEKIAJULI, DIST-SONITPUR, ASSAM

VERSUS

MD. ABDUL KADIR
S/O LATE ABDUL RAJEK, R/O VILL- NO. 3 RANGAPARA, MOUZA-
BORSALA, P.S.-DHEKIAJULI, DIST- SONITPUR, ASSAM

Advocate for the Petitioner : MR. S K SINGH

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

22.11.2021

Heard Mr. A. Ganguly, learned counsel appearing for the appellant.

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

1. Whether the First Appellate Court committed error in ignoring the provisions of Order 43 Rule 1A and Section 105 of the CPC while deciding the appellant's appeal

against the judgment and decree passed by the learned trial Court?

2. Whether the learned courts below committed error in failing to exercise the jurisdiction vested in them by law with regard to the appellant's petition under Sections 163 and 165 of the Evidence Act?

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

Issue Notice to the respondents.

Appellants shall take steps for service of notice by registered post with A/D and other usual process.

Call for the LCR.

List after 6 (six) weeks.

JUDGE

Comparing Assistant