

GAHC010171622024



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

Case No. : CRP(IO)/325/2024

SAMITA RABHA AND 2 ORS.

W/O- SRI BINOD RABHA @ RAVA, R/O- VILL.- PANERI, P.O. AND P.S.
PANERI, MOUZA- HARISINGA, DIST. UDALGURI, BTR, ASSAM, PIN- 781123.

2: BINOD RABHA @ RAVA
S/O- LATE KANTI RAM RABHA
R/O- VILL.- PANERI
P.O. AND P.S. PANERI
MOUZA- HARISINGA
DIST. UDALGURI
BTR
ASSAM
PIN- 781123.

3: JYOTI PRAKASH RABHA
S/O- SRI BINOD RABHA @ RAVA
R/O- VILL.- PANERI
P.O. AND P.S. PANERI
MOUZA- HARISINGA
DIST. UDALGURI
BTR
ASSAM
PIN- 781123

VERSUS

SUSHILA TALUKDAR AND 2 ORS.

W/O- LATE AMIYA TALUKDAR, R/O- VILL.- PANERI, P.O. AND P.S. PANERI,
MOUZA- HARISINGA, DIST. UDALGURI, BTR, ASSAM, PIN- 781123.

2:AMARESH TALUKDAR
S/O- LATE AMIYA TALUKDAR
R/O- VILL.- PANERI
P.O. AND P.S. PANERI

MOUZA- HARISINGA
DIST. UDALGURI
BTR
ASSAM
PIN- 781123.

3:ABINASH TALUKDAR
S/O- LATE AMIYA TALUKDAR
R/O- VILL.- PANERI
P.O. AND P.S. PANERI
MOUZA- HARISINGA
DIST. UDALGURI
BTR
ASSAM
PIN- 781123

Advocate for the Petitioner : MR. S CHAUHAN, MR. A R SHOME,MR. P MAZUMDER,M.
BORUAH,R DEB

Advocate for the Respondent : ,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

06.09.2024

Heard Mr. A.R. Shome, learned counsel for the petitioners.

In this petition under Article 227 of the Constitution of India, the petitioner has challenged the correctness or otherwise of the order dated 12.12.2023 passed by the learned Civil Judge (Senior Division), Udalguri, in Misc.(J) Case No.29/2023, arising out of Misc.(J) Case No.06/2023 in Title Suit No.08/2023. It is to be noted here that vide impugned order dated 12.12.2023, the learned Civil Judge (Senior Division), Udalguri, has modified the order dated 05.10.2023, by which the petitioners were allowed to enter into the suit land and also to enjoy the produce of the tea leaves by both the parties.

Having heard the submission of learned counsel for the petitioners, this Court is

inclined to issue notice to the respondents.

Let notice be issued to the respondents, returnable within 4(four) weeks.

Step be taken by registered post with A/D and also by usual process within a week from today.

Having considered the submission of learned counsel for the petitioners and also considering the facts and circumstances on the record, a prima facie case appears to be made out for staying the impugned order dated 12.12.2023 and accordingly, the impugned order dated 12.12.2023 passed by the learned Civil Judge (Senior Division), Udalguri, in Misc.(J) Case No.29/2023, arising out of Misc.(J) Case No.06/2023 in Title Suit No.08/2023, stands stayed till returnable date.

List the matter after 4(four) weeks.

Sd/- Robin Phukan
JUDGE

Comparing Assistant