

GAHC010237162024



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

Case No. : I.A.(Civil)/3724/2024

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.

VERSUS

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.

Advocate for the Petitioner : MS M M DAS,

Advocate for the Respondent : MR. A R SHOME,

Linked Case : 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
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SUSHILA TALUKDAR AND 2 ORS.
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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 : MR. S CHAUHAN
Advocate for : MR. K N CHOUDHURY (R- 1 TO 3) appearing for SUSHILA
TALUKDAR AND 2 ORS.

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 09.01.2026

- 1.** Heard Mr. S. Chauhan, the learned counsel for the applicant. Also heard Mr. R. C. Saikia, the learned senior counsel assisted by Ms. M. Sarma, the learned counsel for the respondent.
- 2.** Mr. R. C. Sarkia, the learned senior counsel has also raised a question of maintainability of the instant civil revision petition on the ground that the impugned order is an order of injunction under Order 39 Rule 1 and 2, and same is appealable under Order 43 Rule 1(r) read with Section 104 of the Code of Civil Procedure, 1908. In support of his submission, he has cited a decision of full Bench of this Court in the case Rukman Ali and others, Vs. State of Assam and Others, reported in 1984, 1 GLR 133.
- 3.** On the other hand, Mr. S. Chauhan has submitted that the order which has been impugned in this instant civil revision petition is not an order passed under Order 39 Rule 1 and 2 but an order under Section 152/153 of the Code of Civil Procedure, 1908, wherein the Trial Court has exceeded its jurisdiction in exercising the said powers.

4. The question of maintainability raised by learned senior counsel for the petitioner shall be addressed in the final order to be passed by this Court.
5. Hearing concluded.
6. Judgment reserved.

JUDGE

Comparing Assistant