

GAHC010173222022



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

Case No. : RSA/175/2022

AKKAS ALI AND 5 ORS.
S/O LATE ABBAS ALI,
RESIDENT OF SOUTH BAGARIGURI, MOUZA JURIA, PS JURIA, DIST
NAGAON, ASSAM 782103

2: MD. ABDUL AWAL
S/O LATE ABBAS ALI

RESIDENT OF SOUTH BAGARIGURI
MOUZA JURIA
PS JURIA
DIST NAGAON
ASSAM 782103

3: MD. AJIJUL HAQUE
S/O LATE ABBAS ALI

RESIDENT OF SOUTH BAGARIGURI
MOUZA JURIA
PS JURIA
DIST NAGAON
ASSAM 782103

4: MD. JAMALUDDIN
S/O MD. KURBAN ALI
RESIDENT OF SOUTH BAGARIGURI
MOUZA JURIA
PS JURIA
DIST NAGAON
ASSAM 782103

5: MD. ABU BAKKAR SIDDIQUE
S/O MD. KURBAN ALI
RESIDENT OF SOUTH BAGARIGURI

MOUZA JURIA
PS JURIA
DIST NAGAON
ASSAM 782103

6: MD. ABDUL GAFUR
S/O LATE KUDDUS ALI
RESIDENT OF SOUTH BAGARIGURI
MOUZA JURIA
PS JURIA
DIST NAGAON
ASSAM 78210

VERSUS

MAJIBUR RAHMAN AND 6 ORS.
S/O LATE MANSUR ALI,
RESIDENT OF SOUTH BAGARIGURI, MOUZA JURIA, PS JURIA, DIST
NAGAON, ASSAM 782103

2:MD. SAYADUR RAHMAN
S/O LATE MANSUR ALI

RESIDENT OF SOUTH BAGARIGURI
MOUZA JURIA
PS JURIA
DIST NAGAON
ASSAM 782103

3:MD. SAIFUL ISLAM
S/O LATE MANSUR ALI

RESIDENT OF SOUTH BAGARIGURI
MOUZA JURIA
PS JURIA
DIST NAGAON
ASSAM 782103

4:MD. KHAIRUL ISLAM
S/O LATE MANSUR ALI

RESIDENT OF SOUTH BAGARIGURI
MOUZA JURIA
PS JURIA
DIST NAGAON
ASSAM 782103

5:MD. MAINUL ISLAM

S/O LATE MANSUR ALI

RESIDENT OF SOUTH BAGARIGURI
MOUZA JURIA
PS JURIA
DIST NAGAON
ASSAM 782103

6:MD. MOKIDUR
S/O LATE MANSUR ALI

RESIDENT OF SOUTH BAGARIGURI
MOUZA JURIA
PS JURIA
DIST NAGAON
ASSAM 78210

Advocate for the Petitioner : MR T H HAZARIKA

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

ORDER

Date : 28.11.2022

Heard Mr. TH Hazarika, learned counsel for the appellants.

By this appeal under Section 100 of the CPC, the appellant has challenged the legality and correctness of the Judgment dated 21.05.2022 and Decree dated 03.06.2022 passed by the learned District Judge, Nagaon in Title Appeal 01/2018 by which the learned Appellate Court dismissed the appeal of the appellants vide Judgment and Decree dated 11.12.2017 passed in Title Suit No. 62/2014 by the learned Civil Judge, Nagaon.

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

- 1) Whether record of rights determines ownership over the property when the plaintiffs failed to prove as to how their predecessor had acquired the

property?

- 2) Whether patta provided in a settlement operation can be presumed to be a document of right, title, interest and ownership although contrary to the said is laid in evidence?
- 3) Whether presumption of title while making entries in the book of records can be interfered to presume title in a suit for declaration of right, title and interest?
- 4) Whether payment of revenue of land is sufficient to prove the possession over a land by the plaintiffs where a contrary is proved in evidence?
- 5) Whether entries in the record of rights made under Section 40 can be founded without actual possession of the plaintiffs in view of Section 41 (1) of the Assam Land and Revenue Regulation, 1886?
- 6) Any other substantial question of law that may be formulated by the Hon'ble Court at the time of hearing of the appeal?

Call for records.

Issue notice to the respondents. Steps by registered post with A/D within 5 days.

List after 5(five) weeks.

JUDGE

Comparing Assistant