

GAHC010179282025



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

Case No. : FAO/51/2025

UMME SALMA AND ANR
W/O ABDUL RAFIK

2: ABDUL RAFIK
S/O LATE ABDUL KASIM
BOTH THE APPELLANT NO. 1 AND 2 ARE THE R/O VILL. AMOLAPAM
MOUZA HALESWAR
P.O. AND P.S. TEZPUR
DIST. SONITPUR
ASSAM

VERSUS

KULENDRA DEKA AND ANR
S/O LATE DAIM CH DEKA, R/O VILL. KUMARGAON, P.O. AND P.S. TEZPUR,
MOUZA BHAIRABPAD, DIST. SONITPUR, ASSAM.

2: ASSAM GAS COMPANY LTD.
P.O. DULIAJAN
DIST. DIBRUGARH
ASSAM

Advocate for the Petitioner : MR. D MOZUMDER, MS. S NATH, MS D DEVI, MR. S BISWAS

Advocate for the Respondent : MR. S K SINGH (R-1), MR. A DUTTA (R-1), MR. A DHANUKA (R-1), MR. A GANGULY (R-1)

Linked Case : I.A.(Civil)/2634/2025

UMME SALMA AND ANR
W/O ABDUL RAFIK

2: ABDUL RAFIK

S/O LATE ABDUL KASIM
BOTH THE APPELLANT NO. 1 AND 2 ARE THE R/O VILL. AMOLAPAM
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KULENDRA DEKA AND ANR
S/O LATE DALIM CH. DEKA
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P.O. AND P.S. TEZPUR
MOUZA BHAIRABPAD
DIST. SONITPUR
ASSAM.

2:ASSAM GAS COMPANY LTD.
P.O. DULIAJAN
DIST. DIBRUGARH
ASSAM.

Advocate for : MR. D MOZUMDER
Advocate for : appearing for KULENDRA DEKA AND ANR

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

O R D E R

Date : 17.09.2025.

Heard Mr. D. Mozumder, learned Senior Counsel assisted by Mr. S. Biswas, learned counsel for the petitioners. Also heard Mr. A. Ganguly, learned counsel for the respondent No.1 and Mr. B. Mukherjee, learned counsel appearing for the respondent No.2, who however submitted that he has not filed the *vokalatnama* yet and today he is filing his *vokalatnama* on behalf of the respondent No.2.

It was observed in the order dated 13.08.2025 that the interim prayer will be considered on the next date, on appearance of the other side.

But Mr. Ganguly, the learned counsel for the respondent No.1 submitted that they have received the notice only one week ago and accordingly, filed their *vokalatnama* and hence, needs some more time to proceed with the hearing of the Interlocutory Application as well as the main appeal.

Mr. Mozumder, the learned Senior Counsel for the petitioners submitted in this regard that the respondent No.1 is delaying the matter and the appellant is suffering a lot, as they have already spent Rs. 5 to 6 crore for establishing the petrol filling station.

However, considering the submissions made by the learned counsel for the respondent No.1, list the matter on 14.10.2025, with a direction to both the parties to proceed with the hearing of the matter and no further adjournment will be given to the respondent No.1.

Moreover, from the injunction order, it is seen that there is no restrain order upon the respondent No.2 i.e. the Assam Gas Company Limited and in that view, the respondent No.2 is at the liberty to inspect the site of the petrol filling station.

List the matter for hearing on 14.10.2025.

JUDGE

Comparing Assistant