

GAHC010184882014



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

Case No. : RSA/100/2014

KARUNA SARMA and 3ORS
S/O LATE LANKESWAR SARMA,
R/O ALOKPUR, MOUZA KHATA, PO MILANPUR, PS NALBARI, DISTRICT
NALBARI, ASSAM, PIN 781337

2: ON THE DEATH OF UDAY SARMA
HIS LEGAL HEIRS

2.1: SMTI KALPANA DEVI
W/O LATE UDAY SARMA
R/O ALOKPUR
MOUZA-KHATA
P.S.-NALBARI
DIST-NALBARI
ASSAM
PIN-781337(MILANPUR)

2.2: SMTI LEELABATI DEVI
D/O LATE UDAY SARMA
R/O ALOKPUR
MOUZA-KHATA
P.S.-NALBARI
DIST-NALBARI
ASSAM
PIN-781337(MILANPUR)

2.3: SMTI GITANJALI DEVI
D/O LATE UDAY SARMA
R/O ALOKPUR
MOUZA-KHATA
P.S.-NALBARI
DIST-NALBARI
ASSAM
PIN-781337(MILANPUR)

2.4: SMTI MANJU DEVI
W/O LATE UDAY SARMA
R/O ALOKPUR
MOUZA-KHATA
P.S.-NALBARI
DIST-NALBARI
ASSAM
PIN-781337(MILANPUR)

2.5: PINKU SARMA
S/O LATE UDAY SARMA
R/O ALOKPUR
MOUZA-KHATA
P.S.-NALBARI
DIST-NALBARI
ASSAM
PIN-781337(MILANPUR)

2.6: NAYAN SARMA
S/O LATE UDAY SARMA
R/O ALOKPUR
MOUZA-KHATA
P.S.-NALBARI
DIST-NALBARI
ASSAM
PIN-781337(MILANPUR)

3: ON THE DEATH OF GHANASHYAM SARMA

HIS LEGAL HEIRS
NAMELY-

3.1: SMTI PHULESWARI DEVI
W/O LATE GHANASHYAM SARMA
R/O ALOKPUR
MOUZA-KHATA
P.S.-NALBARI
DIST-NALBARI
ASSAM
PIN-781337(MILANPUR)

3.2: PRANJAL SARMA
S/O LATE GHANASHYAM SARMA
R/O ALOKPUR
MOUZA-KHATA
P.S.-NALBARI
DIST-NALBARI

ASSAM
PIN-781337(MILANPUR)

3.3: UMESH SARMA
S/O LATE GHANASHYAM SARMA
R/O ALOKPUR
MOUZA-KHATA
P.S.-NALBARI
DIST-NALBARI
ASSAM
PIN-781337(MILANPUR)

4: SATISH SARMA
ALL ARE SONS OF LATE LANKESWAR SARMA R/O ALOKPUR
MOUZA-KHATA
P.S. NALBARI
DIST. NALBARI
ASSAM
PIN-781337 MILANPU

VERSUS

SON MALAKAR and 13 ORS
S/O SRI KANDURA MALAKAR, VILL. BHUNYAR KUKCHI, MOUZA
BATAHGILA, P.S. and DIST. NALBARI, ASSAM, PIN 781337

2:SMTI DIPALI BHARALI

W/O UNKNOWN R/O BARMA
MOUZA-NAMATI
P.S. BARMA
DIST. NALBARI
ASSAM
PIN-

3:MADHAB SARMA

S/O MANIK SARMA
VILL. MALIKUCHI
MOUZA-KHATA
P.S. and DIST. NALBARI
ASSAM
PIN-781335

4:HAREKRISHNA SARMA
S/O SARAT SARMA
R/O VILL-ALOKPUR
MOUZA-KHATA

P.S. AND DIST-NALBARI
ASSAM
PIN-781337

5:JON SARMA
S/O SARAT SARMA
R/O VILL-ALOKPUR
MOUZA-KHATA
P.S. AND DIST-NALBARI
ASSAM
PIN-781337

6:MUN SARMA
S/O SARAT SARMA
R/O VILL-ALOKPUR
MOUZA-KHATA
P.S. AND DIST-NALBARI
ASSAM
PIN-781337

7:KALPANA TALUKDAR
W/O SRI HEMEN BARMAN
R/O VILL-ALOKPUR
MOUZA-KHATA
P.S. AND DIST-NALBARI
ASSAM
PIN-781337

8:GAJENDRA TALUKDAR
S/O SRI SHUKHANA TALUKDAR
R/O VILL-ALOKPUR
MOUZA-KHATA
P.S. AND DIST-NALBARI
ASSAM
PIN-781337

9:BIPIN MALAKAR
S/O KHAGEN MALAKAR
R/O VILL-ALOKPUR
MOUZA-KHATA
P.S. AND DIST-NALBARI
ASSAM
PIN-781337

10:BABUL MALAKAR
S/O KHAGEN MALAKAR
R/O VILL-ALOKPUR
MOUZA-KHATA

P.S. AND DIST-NALBARI
ASSAM
PIN-781337

11:HEMEN BARMAN
S/O SRI NARAYAN BARMAN
R/O VILL-ALOKPUR
MOUZA-KHATA
P.S. AND DIST-NALBARI
ASSAM
PIN-781337

12:BALDEV DAS
S/O SRI NAMAL DAS
R/O VILL-ALOKPUR
MOUZA-KHATA
P.S. AND DIST-NALBARI
ASSAM
PIN-781337

13:RAJEN KUMAR RAI
S/O SRI BIRENDRA RAI
VILL-BHUNYAR KUCHI
MOUZA-BATAHGILA
P.S. AND DIST-NALBARI
ASSAM
PIN-781337

14:SUNIL KUMAR RAI
S/O SRI BIRENDRA RAI
VILL-BHUNYAR KUCHI
MOUZA-BATAHGILA
P.S. AND DIST-NALBARI
ASSAM
PIN-78133

Advocate for the Petitioner : S GHOSH, MR. R SHARMA,MR. S K GOSWAMI,R S CHAUHAN,MR. R SARMA (A1, A4),MS. I DEKA (A1, A4)

Advocate for the Respondent : M CHOUDHURY, D CHOUDHURY,T ALI,A K CHOUDHURY,C BAISHYA,K CHOUDHURY,MR N RAY,MR. S N KRISHNATRAYA,MR. M CHOUDHURY

**BEFORE
DEPUTY REGISTRAR (BENCH) - MR. SAPTARSHI DAS**

ORDER

Date : 13.03.2026

Case taken up before the Lawazima Court.

Learned counsel Mr. R. Sarma appears on behalf of the appellants. Heard.

Perused the records.

The case record of the instant petition has been carefully perusal and upon such perusal, it has been observed that the Hon'ble Court vide its order dated 09.02.2026 was pleased to direct the Registry to list the matter before the Lawazima Court to ascertain the status of service of notice upon the respondent Nos. 5 to 14.

In view of the said order of the Hon'ble Court, the matter is listed today with an office note dated 12.03.2026. Now, a perusal of the said office note reveals that the appellants have not yet taken fresh steps for issuance of notice to the respondent No. 5. Likewise, it has been observed that no steps have been received from the appellants for issuance of notice to the proforma respondent Nos. 6 to 14 as well.

However, ***the learned counsel Mr. A. Sarma appearing on behalf of the appellants before the Lawazima Court today submits that the appellants are desirous of taking fresh steps for service of notice upon the respondent Nos. 5 & 6.***

But as far as the respondent Nos. 7 to 14 are concerned, the learned counsel has submitted as follows:-

The respondent Nos. 7 to 14 had not contested the suit in the Trial Court and also not contested in the Title Appeal.

Therefore, in view of the Provision of Order 41 Rule 14 CPC, the Hon'ble Court may dispense with the service of notice on the respondent Nos. 7 to 14.

In light of the submission made above, **this Lawazima Court is of the view that**

the instant petition shall be laid before the Hon'ble court for obtaining necessary orders regarding respondent Nos. 5 to 14.

Pursuant to the above, the matter is laid before the Hon'ble Court.

Deputy Registrar (Bench)

Comparing Assistant