

GAHC010184882014



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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
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

25.03.2026

Heard Mr. S K Ghoswami, learned counsel for the appellants. Also heard Mr. S Defusa, learned counsel for the respondent Nos. 1 to 3.

Office Note dated 13.03.2026 indicates that the appellants have not yet taken fresh steps for issuance of notice to the respondent No. 5. Likewise, it has also 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.

Mr. Goswami, learned counsel for the appellants assures that fresh steps for service of notice upon the respondent Nos. 5 & 6 shall be taken within three days from today.

As regards respondent Nos. 7 to 14, Mr. Goswami submits that since they had neither contested the suit in the Trial Court nor contested the Title Appeal in question, there service may be dispensed with in terms of Order 41 Rule 14 CPC.

Office Note dated 13.03.2026 indicates the dispensation of the service of notice on the respondent Nos. 7 to 14 in terms of Order 41 Rule 14 CPC on the same grounds which read as under—

“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.”

Accordingly, service of notice in respect of respondent Nos. 7 to 14 is dispensed with, considering that the appeal has been pending since the year 2014 and the aforesaid respondents have neither contested the suit before the Trial Court nor contested the appeal before the Appellate Court.

In view of the assurance given by Mr. Goswami, learned counsel for the appellants as regards fresh steps upon the respondent Nos. 5 & 6, relist on **24.04.2026**.

JUDGE

Comparing Assistant