

GAHC010185862022



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

Case No. : I.A.(Civil)/2880/2022

ON THE DEATH OF BASUDEV SHAW HIS LEGAL HEIRS SHANTI SHAW
AND ORS.

S/O. LT. NEBALAL SHAW, R/O. KALIPUR DURGA SAROBAR, P.S.
BHARALUMUKH, KAMRUPM, GUWAHATI, ASSAM.

1.1: SMTI. SHANTI SHAW
W/O- LATE BASUDEV SHAW

1.2: SRI AJAY SHAW
S/O- LATE BASUDEV SHAW

1.3: SRI SANJAY SHAW
S/O- LATE BASUDEV SHAW

1.4: SRI BIJAY SHAW
S/O- LATE BASUDEV SHAW

ALL ARE R/O- KALIPUR DURGA SAROBAR
P.S.- BHARALUMUKH
KAMRUP (M)
GUWAHATI- 781009
ASSAM

VERSUS

SAMSUL HAQUE
S/O KARIM SHAH, R/O. MILAN PATH, BHUTNATH, P.S. BHARALUMUKH,
GUWAHATI- 781009, KAMRUP, ASSAM.

Advocate for the Petitioner : MR. S P ROY

Advocate for the Respondent :

Linked Case : CRP/55/2017

ON THE DEATH OF BASUDEV SHAW
S/O. LT. NEBALAL SHAW
R/O. KALIPUR DURGA SAROBAR
P.S. BHARALUMUKH
KAMRUP
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P.S. BHARALUMUKH
GUWAHATI- 781009
KAMRUP
ASSAM.

Advocate for : MR.S P ROY
Advocate for : appearing for SAMSUL HAQUE

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

20.03.2023

Heard Mr. S. P. Roy, learned counsel for the applicant.

This application is filed under Order 39 Rules 1 & 2 of C.P.C. read with Section 151 of the Code of Civil Procedure for an ad-interim injunction restraining the opposite parties, their men, workmen, agents, employees & servants from taking any step towards dispossessing further 10 ft in breadth X 70.52 ft in length of land on the northern side of the "A" Schedule land of the petitioners which is described in Schedule C till the disposal of the connected revision petition being CRP/55/2017.

The CRP/55/2015 was filed assailing the Judgment and Decree dated 25.11.2016 passed in Title Suit No. 410/2013 by the learned Munsiff No. 2, Kamrup (M), Guwahati, dismissing the suit of the plaintiff/petitioner.

The said CRP has already been admitted by this Court and is pending for hearing.

The record of CRP/55/2017, reveals that though notice has duly been served upon the respondents, but none appears for them.

In that view of the matter, let a notice be issued in the present application.

The applicant to take steps for issuance of notice upon the respondents by way of registered post with A/D as well as by usual process within a period of

three days from today.

It is specifically pleaded at paragraph 7 of the present petition that on 17.08.2022, the sole respondent had tried to further encroach upon and dispossess the present applicant from the Schedule C.

The applicant has specifically stated on oath that the applicant is possessing the Schedule C land as on date.

Considering the above, till such return of notice and filing of objection, it is directed that the status quo in respect of Schedule C land as described herein below shall be maintained:-

“Schedule “C”.

A Plot of land measuring 10 feet in breath and 70.52 ft in length being part of the Schedule A land covered under Dag No. 80 of Touji Patta No. 23 situated at village-Bharalumukh Gaon Mouza: Jalukbari District-Kamrup (M), Assam and bounded as follows:-

<i>North</i>	<i>:</i>	<i>Samsul Haque.</i>
<i>South</i>	<i>:</i>	<i>Land of the petitioners</i>
<i>East</i>	<i>:</i>	<i>Dhan Ali.</i>
<i>West</i>	<i>:</i>	<i>Khagen Kalita”.</i>

JUDGE

Comparing Assistant