

GAHC010187782023



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

**Case No. : RFA/55/2024**

KANCHAN BALA DAS AND 4 ORS  
W/O LATE SANURAM DAS, VILL.- PADMAPUR, P.O.- KAJALGAON, P.S.-  
SIDLI, DIST.- CHIRANG, ASSAM, PIN- 783385.

2: KSHITISH CH. DAS @ KHITISH DAS  
S/O LATE MAKHAN LAL DAS  
VILL.- PADMAPUR  
P.O.- KAJALGAON  
P.S.- SIDLI  
DIST.- CHIRANG  
ASSAM  
PIN- 783385.

3: GOLAP DAS  
S/O LATE MAKHAN LAL DAS  
VILL.- PADMAPUR  
P.O.- KAJALGAON  
P.S.- SIDLI  
DIST.- CHIRANG  
ASSAM  
PIN- 783385.

4: GEETA RANI DAS  
W/O CHARAN DAS  
D/O SANURAM DAS  
VILL.- PADMAPUR  
P.O.- KAJALGAON  
P.S.- SIDLI  
DIST.- CHIRANG  
ASSAM  
PIN- 783385.

5: MINATI DAS  
W/O SWAPAN KR. DAS  
D/O LATE SANURAM DAS  
R/O HARIPUR  
P.O.- LALMATI  
P.S.- ABHAYAPURI  
DIST.- BONGAIGAON  
ASSAM  
PIN- 783384

VERSUS

BINOD GOYARI AND 2 ORS. B  
S/O LATE BANURAM GOYARI, VILL.- PADMAPUR, P.O.- KAJALGAON,  
DIST.- CHIRANG, BTAD, ASSAM, PIN- 783394. PRESENTLY RESIDING AT  
VILL.- POLSHBARI, P.O.- KAJALGAON, P.S.- SIDLI, DIST.- CHIRANG, BTAD,  
ASSAM, PIN- 78385.

2:SEWALI SUTRADHAR  
D/O LATE RABI LOCHAN SUTRADHAR  
VILL.- NAMALPUR  
P.O. AND P.S.- SIDLI  
DIST.- CHIRANG  
BTAD  
ASSAM  
PIN- 783373.

3:NIRANJAN SUTRADHAR  
S/O LATE UDAY SUTRADHAR  
VILL.- NAMALPUR  
P.O. AND P.S.- SIDLI  
DIST.- CHIRANG  
BTAD  
ASSAM  
PIN- 783373

**Advocate for the Petitioner** : MR. M SARANIA, MR. S SAIKIA, MR A SARANIA, MS. C  
NEWME, MR R.BEZBARUAH

**Advocate for the Respondent** : MS R SAHA, MR. B J MUKHERJEE

**BEFORE  
HONOURABLE MR. JUSTICE ROBIN PHUKAN  
ORDER**

**06.11.2024**

Heard Mr. S. Saikia, learned counsel for the appellants and Mr. B.J. Mukherjee, learned counsel for the respondent No. 1.

**2.** In this appeal, under Section 96 of the C.P.C., the appellants have put to challenge the correctness or otherwise of the Judgment and Decree dated 17.09.2022, passed by the learned Civil Judge, Chirang at Kajalgaon, in Title Suit No. 16/2021.

**3.** It is to be noted here that vide Judgment and Decree dated 17.09.2022, the learned Civil Judge, Chirang at Kajalgaon has decreed the counter claim of the defendants.

**4.** Perused the memo of appeal as well as the grounds mentioned therein and also perused the impugned Judgment and Decree dated 17.09.2022, passed by the learned Civil Judge, Chirang at Kajalgaon, in Title Suit No. 16/2021.

**5.** Admit.

**6.** Let notice be issued to the respondents, within a week from today, returnable in 4 weeks, by registered post with A/D and also by usual process. As Mr. Mukherjee has appeared and accepted notice on behalf of the respondent No. 1, no formal notice is required to be issued. However, extra requisite copy of the appeal be furnished to him during the course of the day.

**7.** The Registry shall call for the record from the learned trial court.

**8.** List the matter after 4 (four) weeks.

**Comparing Assistant**

**JUDGE**