

GAHC010193312013



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

Case No. : RSA 203/2013

1:ON DEATH OF AHMMAD ALI HIS LEGAL HEIRS- MD. HUSSAIN ALI SON
and 10 ORS.

2: HASEN BANU
WIFE

3: ANUWARA BEGUM
DAUGHTER

4: MANUWARA BEGUM
DAUGHTER

5: FATEMA BEGUM
DAUGHTER

6: HALIMA BEGUM
DAUGHTER

7: KULSUM BEGUM
DAUGHTER

8: ON DEATH OF HASEN ALI

S/O LATE AHMMAD ALI HIS LEGAL HEIRS ARE AMD. NURUL ALI
GRANDSON B MD.MIRAZ ALI
DO C MUSSTT. PAMPI BEGUM
GRAND DAUGHTER D MUSST. MASUDA BEGUM

DAUGHTER IN LAW THE PETITIONER APPELLANT NO. 8 A
8 B AND 8 C ARE MINORS WHO ARE REPRESENTED BY THEIR MOTHER
APPELLANT NO. 8 D ALL ARE RESIDENT OF VILL.NO. 2 DUNGABORI
P.O. JAGIROAD
MOUZA GONA
P.S.JAGIROAD
DIST.MORIGAON
ASSAM

VERSUS

1:MARJAT ALI and 2 ORS.

2:MD. HARJAT ALI
BOTH ARE SONS OF LATE MEHER ALI

3:MUSTT. GULSHAN BIBI
D/O LT. MEHER ALI
ALL ARE RESIDENT OF VILL NO. 2
DUNGABORI MOUZA GONA
P.O. JAGIROAD
P.S. JAGIROAD
DIST. MORIGAON
ASSAM

Advocate for the Petitioner : MS.F AHMED

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE PRASANTA KUMAR DEKA**

ORDER

22.02.2019

Heard Mr. M. H. Choudhury, the learned counsel for the appellants. And also heard Mr. R. Ali, the learned counsel for the respondents.

Mr. Choudhury, prays for formulating another substantial questions of law which Mr. Ali conceded to it. Accordingly, the substantial question of law No.2 is formulated as follows:-

“2. Whether legal heirs who have relinquished their share of parental property in favour of other legal heirs by delivery of possession of the property can claim the same property again on the ground of non-partition of the said property after long period?”

LCR be called for as this Court decided to enter into the merit of the judgment passed by the trial court inasmuch as the dismissal of the first appeal after rejecting the delay condonation petition amounts to upholding of the trial court judgment.

Let this matter be listed immediately on receipt of the LCR for passing appropriate order.

JUDGE

Comparing Assistant