

GAHC010196942024



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

**Case No. : CRP/96/2024**

GOPAL KRISHNA BARUAH AND ANR  
S/O- LATE MOHAN KRISHNA BARUAH, R/O- WARD NO. IX, HCB ROAD,  
SIVASAGAR, P.S. AND DIST. SIVASAGAR, ASSAM, PIN- 785640.

2: BIPUL KUMAR BARUAH  
S/O- LATE DURGESHWAR SARMAH BARUAH  
R/O- NEAR DCB COLLEGE  
K.K. BARUAH ROAD  
TORAJAN  
P.O. AND P.S. JORHAT  
ASSAM  
PIN- 785001

VERSUS

RITA SAIKIA AND 2 ORS  
LEGAL HEIRS OF DECEASED KHIRUD CHANDRA SAIKIA, R/O-  
MOTHISIGA SOUKAJAN GAON, P.S. NAZIRA, DIST. SIVASAGAR, ASSAM,  
PRESENT RESIDENT AT WARD NO. IX, HCB ROAD, SIVASAGAR, PIN-  
785685.

2: PARTHA PRATIM SAIKIA  
LEGAL HEIRS OF DECEASED KHIRUD CHANDRA SAIKIA  
R/O- MOTHISIGA SOUKAJAN GAON  
P.S. NAZIRA  
DIST. SIVASAGAR  
ASSAM  
PRESENT RESIDENT AT WARD NO. IX  
HCB ROAD  
SIVASAGAR  
PIN- 785685.

3: SMT. RIMJIM SAIKIA  
LEGAL HEIRS OF DECEASED KHIRUD CHANDRA SAIKIA

R/O- MOTHISIGA SOUKAJAN GAON  
P.S. NAZIRA  
DIST. SIVASAGAR  
ASSAM  
PRESENT RESIDENT AT WARD NO. IX  
HCB ROAD  
SIVASAGAR  
PIN- 785685

**Advocate for the Petitioner** : MR. B J GHOSH, MR H RAHMAN,RUBI GOGOI

**Advocate for the Respondent** : ,

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

**25.09.2024**

Heard Mr. B.J. Ghosh, learned counsel for the petitioners.

**2.** In this petition, under Section 115 of the C.P.C., the petitioners have put to challenge the correctness or otherwise of the Judgment dated 29.06.2024 and Decree dated 11.07.2024, passed by the learned Civil Judge (Senior Division), Sivasagar in Title Appeal No. 13/2023.

**3.** It is to be noted here that vide Judgment dated 29.06.2024 and Decree dated 11.07.2024, the learned Civil Judge (Senior Division), Sivasagar has reversed the Judgment dated 14.07.2023 and Decree dated 19.07.2023, passed by the learned Munsiff No. 1, Sivasagar, in Title Suit No. 26/2016.

**4.** Perused the petition as well as the documents placed on the record and also perused the impugned Judgment dated 29.06.2024 and Decree dated 11.07.2024, passed by the learned Civil Judge (Senior Division), Sivasagar in Title Appeal No. 13/2023 and also perused the Judgment dated 14.07.2023 and Decree dated 19.07.2023, passed by the learned Munsiff No. 1, Sivasagar, in Title Suit No. 26/2016.

5. 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.
6. The Registry shall call for the record from the learned trial court as well as from the learned first appellate court.
7. List the matter after 4 (four) weeks.
8. Till returnable date, the impugned Judgment dated 19.06.2024 and Decree dated 11.07.2024, passed by the learned Civil Judge (Senior Division), Sivasagar in Title Appeal No. 13/2023, stands **stayed**.

Comparing Assistant

**JUDGE**