

GAHC010200562025



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

Case No. : RSA/159/2025

HIMANSHU UPADHAYAY
SON OF SRI PRABHAKAR UPADHAYAY, RESIDENT OF VILLAGE
PATTARGGHAT NEAR ARMY CAMP KOKRAJHAR TOWN, WARD NO 2, DIST.
KOKRAJHAR BTR, ASSAM.

VERSUS

DIPTI RAY AND ANR.
WIFE OF LATE KANAL RAY, RESIDENT OF KOKRAJHAR TOWN,
SUBHASHPALLY, WARD NO. 3, PS AND DIST. KOKRAJHAR BTR, ASSAM

2:MADAN GOPAL AGARWALA
SON OF SRI B.L. AGARWALLA
RESIDENT OF KOKRAJHAR TOWN
WARD NO 3
PS AND DIST KOKRAJHAR BTR
ASSA

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

Advocate for the Respondent : ,

Linked Case : I.A.(Civil)/3045/2025

HIMANSHU UPADHAYAY
SON OF SRI PRABHAKAR UPADHAYAY RESIDENT OF VILLAGE
PATTARGHAT KOKRAJHAR TOWN WARD NO.2 DIST KOKRAJHAR BTR
ASSAM

VERSUS

DIPTI RAY AND ANR.
WIFE OF LATE KANAL RAY RESIDENT OF KOKRAJHAR TOWN
SUBHASHPALLY WARD NO 3 PS AND DIST KOKRAJHAR BTR ASSAM

2:MADAN GOPAL AGARWALLA
SON OF SRI B.L AGARWALLA RESIDENT OF KOKRAJHAR TOWN WARD NO.
03 PS KOKRAJHAR DIST KOKRAJHAR BTR ASSAM

Advocate for : MS R SAHA
Advocate for : appearing for DIPTI RAY AND ANR.

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

O R D E R

Date : 15.09.2025.

Heard Mr. B.J. Mukherjee, learned counsel for the applicant/appellant.

This application under Order 41 Rule 5 of the Code of Civil Procedure, 1908, is filed for stay of the operation of the judgment and decree dated 30.07.2025, passed by learned Civil Judge (Sr. Division), Kokrajhar in Money Appeal No.01/2024.

Issue notice to the opposite parties/respondents, returnable within 4 (four) weeks.

The learned counsel for the appellant shall take steps for service of notice upon the respondents by registered post with A/D as well as by usual process within a period of 3 (three) days from today.

Till the next date of listing, the operation of the judgment and decree dated 30.07.2025, passed by learned Civil Judge (Sr. Division), Kokrajhar in Money Appeal No.01/2024 is stayed.

JUDGE

Comparing Assistant