

GAHC010205512025



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

Case No. : I.A.(Civil)/162/2026

JEHERUL ISLAM
S/O- LATE NAZRUL ISLAM

2: ALTAB HUSSAIN
S/O. LT. NAZRUL ISLAM.

3: MOINUL HAQUE
S/O. LT. NAZRUL ISLAM.

4: SAHIDUL HAQUE
S/O. LT. NAZRUL ISLAM.

5: SAFIJUL HAQUE
S/O. LT. NAZRUL ISLAM.

6: BAHARUL HAQUE
SON OF LATE NAZRUL ISLAM

7: JABIUL HAQUE
SON OF LATE NAZRUL ISLAM

ALL R/O VILLAGE- BANBARIA MAUZA- NAGAON
DISTRICT-BARPETA (ASSAM)
PIN-781309.
VERSUS

FAYJAL HAQUE MIA
S/O- ABDUL MOTALEB MIA
RESIDENT OF VILLAGE- RADHAKUCHI
MOUZANAGAON
DISTRICT- BARPETA
ASSAM
PIN781309

2:PAHAR KHA
S/O- LATE SABJAL KHA R/O VILLAGE RADHAKUCHI P/O AND DIST-
BARPETA
ASSAM

Advocate for : MR M HUSSAIN
Advocate for : appearing for FAYJAL HAQUE MIA

Linked Case-RSA/163/2025

JEHERUL ISLAM AND ORS
S/O. LT. NAZRUL ISLAM.

2: ALTAB HUSSAIN
S/O. LT. NAZRUL ISLAM.

3: MOINUL HAQUE
S/O. LT. NAZRUL ISLAM.

4: SAHIDUL HAQUE
S/O. LT. NAZRUL ISLAM.

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SON OF LATE NAZRUL ISLAM

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SON OF LATE NAZRUL ISLAM

ALL R/O VILLAGE- BANBARIA MAUZA- NAGAON
DISTRICT-BARPETA (ASSAM)
PIN-781309

VERSUS

FAYJAL HAQUE MIA AND ANR
SON OF ABDUL MOTALEB MIA VILLAGE- RADHAKUCHI.
MOUZA- NAGAON. DISTRICT- BARPETA, (ASSAM), PIN-
781309.

2:PAHAR KHA
S/O- LATE SABJAL KHA R/O VILLAGE RADHAKUCHI P/O
AND DIST- BARPETA

ASSA

Advocate for the Petitioner : M ALI, MR. A K AZAD,MR M HUSSAIN,MR. N HAQUE,MR. S R BARBHUIYA,MS P BANIA,MR H A AHMED,MR K BHUYAN

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

21.04.2026

Heard Mr. N. Haque, learned counsel for the applicants.

2. This interlocutory application, under Order 41 Rule 5 of the Code of Civil Procedure, read with Section 151 of the Code of Civil procedure, is preferred by the applicants for staying the proceeding of the Title Execution Case, being Title Execution Case No. 37/2025; pending before the Court of the learned Civil Judge (Jr. Div.) No. 1, Barpeta, for execution of decree, dated 30.03.2021, passed in Title Suit No. 73/2014.

3. Mr. Haque, learned counsel for the applicant submits that the applicants have preferred a Second Appeal, being RSA No. 163/2025, and this Court was pleased to admit the same, vide order, dated 16.03.2026, by formulating substantial questions of law and also called for the records from the learned Trial Court as well as the learned Appellate Court.

3.1 Mr. Haque also submits that in the meantime, the opposite parties herein had instituted the Title Execution Case No. 37/2025; and unless the said Title Execution Case is stayed, the RSA No. 163/2025, would become infructuous; in the event of execution of the decree, dated 30.03.2021, passed in Title Suit No. 73/2014.

4. Having heard the submission of Mr. Haque, learned counsel for the applicants, this Court has carefully gone through the application and the documents placed on record and it appears that RSA No. 163/2025, has already been admitted by this Court, after formulation of substantial questions of law and the records of the learned Trial Court as well as the learned Appellate Court have also been called for.

5. Thus, considering the aforesaid facts and circumstances and also, the submission advanced by Mr. Haque, learned counsel for the applicants, further proceeding of Title Execution Case No. 37/2025, pending before the Court of the learned Civil Judge (Jr. Div.) No. 1, Barpeta, stands stayed, till disposal of the RSA No. 163/2025.

6. In view of the above, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant