

GAHC010207812022



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

Case No. : RSA/151/2022

BADAR UDDIN MAZUMDAR AND ANR
S/O LATE CHIPAT ALI MAZUMDAR,
RESIDENT OF VILLAGE RANGPUR PART IV, PARGANA BARNARPUR, PS
KATLICHARA, DIST HAILAKANDI, ASSAM 788161

2: MD. NASIB UDDIN MAZUMDAR

S/O LATE CHIPAT ALI MAZUMDAR

RESIDENT OF VILLAGE RANGPUR PART IV
PARGANA BARNARPUR
PS KATLICHARA
DIST HAILAKANDI
ASSAM 78816

VERSUS

MUSSTT HAMIDA KHATUN AND 4 ORS .
W/O LATE TAJAMUL ALI LASKAR
RESIDENT OF VILLAGE RANGPUR PART IV, PARGANA BARNARPUR, PS
KATLICHARA, DIST HAILAKANDI, ASSAM 788161

2:MD. IMRUL HUSSAIN LASKAR
S/O LATE TAJAMUL ALI LASKAR
RESIDENT OF VILLAGE RANGPUR PART IV
PARGANA BARNARPUR
PS KATLICHARA
DIST HAILAKANDI
ASSAM 788161

3:MUSSTT. MERABJAN NESSA LASKAR
D/O LATE TAJAMUL ALI LASKAR
RESIDENT OF VILLAGE RANGPUR PART IV
PARGANA BARNARPUR

PS KATLICHARA
DIST HAILAKANDI
ASSAM 788161

4:MUSST. SAMSUN NESSA
W/O FAKAR UDDIN

RESIDENT OF NIYAMATPUR
PARGANA BARNARPUR
DIST HAILAKANDI
ASSAM

5:MUSST. TERABAN BIBI
W/O LATE NISAR ALI
RESIDENT OF DHOLAI MOLAI PART I
DIST HAILAKANDI
ASSA

Advocate for the Petitioner : MR. S K GHOSH

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 03/11/2022

Heard Mr. S.K. Ghosh, learned counsel for the appellants.

Admit the appeal.

Call for the records.

Issue notice returnable in six weeks.

Appellants to take steps for service of notice upon the respondents by registered post with A/D as well as usual process within one week.

This second appeal will be heard on the following substantial questions of law:-

(1) In the absence of proper determination of the shares as well as right, title and interest of

the brothers of Nisar Ali, whether the learned Lower Appellate Court was justified in law in reversing the judgement and decree passed by the learned trial Court and dismissing the suit ?

- (2) Whether the learned Lower Appellate Court was justified in dismissing the suit filed by the plaintiff for non-joinder of necessary party without granting an opportunity to implead such party to the suit ?
- (3) Whether the judgement and decree of reversal passed by the learned Lower Appellate Court is perverse in the eye of law?

JUDGE

sukhamay

Comparing Assistant