

GAHC010211302025



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

Case No. : RSA/174/2025

MANORAMA DUTTA BARUAH AND ANR.
LATE MUNINDRA DUTTA BARUAH, BOTH ARE R/O. SRI GURU PRESS
COMPOUND (NEAR PRAGJYOTISH CINEMA HALL). MALIGAON,
GUWAHATI-11 DIST.-KAMRUP (M), ASSAM

2: NILOTPAL DUTTA BARUAH
LATE MUNINDRA DUTTA BARUAH
BOTH ARE R/O. SRI GURU PRESS COMPOUND (NEAR PRAGJYOTISH
CINEMA HALL). MALIGAON
GUWAHATI-11 DIST.-KAMRUP (M)
ASSA

VERSUS

RENU DUTTA BARUAH AND 7 ORS.
W/O. LT. BHABENDRA NARAYAN DUTTA, R/O. SREE GURU PRESS
CAMPUS, MALIGAON, GUWAHATI, GUWAHATI-12, P/S. JALUKBARI, DIST.
KAMRUP 9M0,ASSAM.

2:ASOME DUTTA BARUAH
W/O. SRI S. HAZARIKA
1 FLOOR
MAHABHARAT KARYALAYA
COLLEGE HOSTEL ROAD
PAN BAZAR
GUWAHATI-781001

3:MONIDEEPA DUTTA BARUAH
W/O. RAMENDRA NARAYAN DUTTA BARUAH

4:RAGHABENDRA NARAYAN DUTTA BARUAH
S/O. RAMENDRA NARAYAN DUTTA BARUAH

5:MANABENDRA NARAYAN DUTTA BARUAH

S/O. RAMENDRA NARAYAN DUTTA BARUAH

6:JADABENDRA NARAYAN DUTTA BARUAH
S./O. RAMENDRA NARAYAN DUTTA BARUAH
RESPONDENT NOS. 3 TO 6 ARE RESIDENT OF 2 FLOOR
MAHABHARAT KARYALAYA
COLLEGE HOSTEL ROAD
PAN BAZAR
GUWAHATI-01

7:JYOTINDRA NARAYAN DUTTA BARUAH
S/O. LATE HARI NARAYAN DUTTA BARUAH
C/O. DUTTA BARUAH PUBLISHING COMPANY (P)
LTD
COLLEGE ROAD
PAN BAZAR
P.O.PANBAZAR
GUWAHATI 781001

8:PRASENJIT DUTTA BARUAH
S/O. LATE JITENDRA NARAYAN DUTTA BARUAH
R/O. S-17/1701
CLOSE SOUTH NIRVANA COUNTRY
SOUTH-CITY-2
GURGAON
HARYAN

Advocate for the Petitioner : MD. MEMON AHMED, MRS. S ROY,MS. B. HAZARIKA,MS. R CHOUDHURY

Advocate for the Respondent : ,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

10-11-2025

Heard Ms. R. Choudhury, learned counsel for the appellants.

This appeal, under Section 100 of the Code of Civil Procedure, 1908, read with Order XLII, Rule-1 of the CPC is preferred against the judgment and decree dated 16.06.2025, passed by the learned Addl. District Judge No.5, Kamrup (M), Assam I Misc. Case No. 70/2021 arising out of T.A. No. 19/2021 whereby and where-under rejected the condonation application of the appellants in preferring the Title Appeal No. 19/2021 and the judgment and decree dated 01.12.2014 passed by the learned Munsiff No.3, Guwahati in T.S. No. 174/2011 by which the suit of the respondents/plaintiffs was decreed.

Upon hearing the learned counsel for the appellant, this appeal is admitted on the following substantial questions of law:—

1. Whether the learned First Appellate Court committed wrong in dismissing the condonation application of the appellants in preferring the title appeal for absence of sufficient cause whereas the appellants explained the delay with sufficient cause?
2. Whether the learned First Appellate Court as well as learned Trial Court failed to take into consideration that the plaintiff failed to prove his own case with material evidences and it is settled law that they must independently establish their case through credible evidence and sufficient proof but not on the weakness of defendant?
3. Whether the suit of the plaintiffs is bad for non-joinder of necessary parties i.e., the other co-sharers and this raises a substantial question of law to be decided by this Hon'ble Court?

The Court may also hear this appeal on any other substantial questions of law after notice to the respondents.

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

The learned counsel for the appellants 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.

Also, call for the LCR.

List the matter after 4 (four) weeks, on a date to be fixed by the Registry.

JUDGE

Comparing Assistant