

GAHC010213202019



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

**Case No. : RSA/127/2020**

SRI DUDH NATH CHAUHAN AND 4 ORS.  
S/O- LATE RAM NARESH NUNIA @ CHAUHAN, R/O- AMTOLA, MAUZA  
AND P.S. HOJAI, DIST.- HOJAI, ASSAM.

2: SRI PARAS NATH CHAUHAN  
S/O- LATE RAM NARESH NUNIA @ CHAUHAN  
R/O- AMTOLA  
MAUZA AND P.S. HOJAI  
DIST.- HOJAI  
ASSAM.

3: SMTI. BHAGIRATHI DEVI  
W/O- SRI ANIRODHA NUNIA  
R/O- VILL.- AMTOLA  
MAUZA AND P.S. HOJAI  
DIST.- HOJAI  
ASSAM.

4: SMTI. ANTI DEVI  
W/O- SAT NARAYAN CHAUHAN  
R/O- VILL.- KHERONI LAMA PATHAR  
P.S. KHERONI  
DIST.- KARBI ANGLONG.

5: SMTI. ROHIMA @ JOSOMOTI DEVI  
W/O- RABINDOR CHAUHAN  
VILL.- SAMAGURI GORBI PUKHURI CHARILAI  
P.S. AND P.O. HOWRAGHAT  
DIST.- NAGAON  
ASSAM

VERSUS

SRI PROBHU NATH CHAUHAN AND ANR

S/O- LATE HARDEB NUNIA @ CHAUHAN, R/O- AMTOLA, MOUZA AND P.S. HOJAI, DIST.- HOJAI, ASSAM, PIN- 782435.

2:SMTI. RUKMINI DEVI  
W/O- NANDALAL CHAUHAN  
VILL.- DANGORI BORI  
MOUZA AND P.S. HOJAI  
DIST.- HOJAI  
PIN- 782435

**Advocate for the Appellants** : MR. S K BARKATAKI

**Advocate for the Respondent** :

**BEFORE**  
**HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**ORDER**

**Date : 24-09-2021**

Heard the learned counsel Mr. S.K. Barkataki appearing for the appellants.

The appeal is admitted for hearing upon the following seven substantial questions of law :

1. Whether a jamabandi simply cannot transfer title although the suit was for right, title and interest and recovery of suit land, the title cannot be proved only by dint of 'Jamabandi' alone ? This aspect of the matter has been wrongly decided by the court below without any supporting document of title, hence the illegality has been committed.
2. Whether by virtue of two documents exhibit 1 and 2 which are nothing but the copies of the Jamabandi can transfer title ?
3. Whether it is right on the part of the plaintiff/respondent entered his name in the plaint as Ram Dulal, and also as Ram Lagun and sometimes as Ghisa Ram ? The learned court below is it right to allow the respondent/plaintiff who has shown his name in the Jamabandi in different names most illegally.
4. Whether the respondent/plaintiff who was son of Hardev and grandson of

Ghisa Ram introduced him in the plaint sometimes as Ram Lagun and in fact Ram Lagun has no legal heir as son but had three daughters? Learned court below wrongly observed and gave the finding that the name of the father of the plaintiff/respondent might be wrong which is not material. Infact, it is the root of the suit as the plaintiff's father Ghisa Ram had no landed property.

5. Whether it is wrongly observed that the proforma defendant Rukmini the daughter of Hardev Nunia (sister in law of both plaintiff and defendant) made a deed of relinquishment in favour of the plaintiff/respondent ? The learned court below failed to observe to such concept about the "deed of relinquishment" given by Rukmini. The question of having land by Rukmini had not been established and as such the question of deed of relinquishment ought not to have appreciated as that is a questionable document put at suppressed by the plaintiff/respondent.
6. Whether the learned court below failed to determine as to how the plaintiff/respondent acquired the suit title ?
7. Whether the decree is nullity as the said is passed against defendant number 3 and 8 by Pabitri Devi (daughter of Ram Lagun Nunia and Smti. Changuri Devi wife of Late Ram Naresh Nunia)? Both of them submitted written statement in the suit and participated in the suit till their death. The learned court below made no arrangement for substitution in their place by putting their legal heirs of the defendant number 3 and 8.

Issue notice to the respondents.

The appellants shall take steps for service of notice upon the respondents by registered post with A/D and other usual process.

Call for the LCR. List after 6 (six) weeks.

**JUDGE**

**Comparing Assistant**