

GAHC010214212019



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

**Case No. : RSA/79/2021**

ON THE DEATH OF MD. NASIR KHAN HIS LEGAL HEIRS  
REPRESENTED BY,

1.1: GULENA BEGUM  
W/O LATE MD. NASIR KHAN  
R/O VILLAGE- DIMOROGURI  
KALIBARI PATH  
NAGAON  
MOUZA NIZSAHAR  
DIST. NAGAON  
ASSAM

1.2: AMZAD KHAN  
S/O LATE MD. NASIR KHAN  
R/O VILLAGE- DIMOROGURI  
KALIBARI PATH  
NAGAON  
MOUZA NIZSAHAR  
DIST. NAGAON  
ASSAM

1.3: RASED KHAN  
S/O LATE MD. NASIR KHAN  
R/O VILLAGE- DIMOROGURI  
KALIBARI PATH  
NAGAON  
MOUZA NIZSAHAR  
DIST. NAGAON  
ASSAM

1.4: BIKI KHAN  
S/O LATE MD. NASIR KHAN  
R/O VILLAGE- DIMOROGURI  
KALIBARI PATH

NAGAON  
MOUZA NIZSAHAR  
DIST. NAGAON  
ASSAM

1.5: NESIMA BEGUM  
D/O LATE MD. NASIR KHAN  
R/O VILLAGE- DIMOROGURI  
KALIBARI PATH  
NAGAON  
MOUZA NIZSAHAR  
DIST. NAGAON  
ASSAM

1.6: RANI KHAN  
D/O LATE MD. NASIR KHAN  
R/O VILLAGE- DIMOROGURI  
KALIBARI PATH  
NAGAON  
MOUZA NIZSAHAR  
DIST. NAGAON  
ASSA

VERSUS

MD. NURUL AMIN  
S/O- LATE SIRAJUL HAQUE, R/O- VILL.- DIMOROGURI, KALIBARI PATH,  
NAGAON, MOUZA- NIZSAHAR, DIST.- NAGAON, ASSAM.

**Advocate for the Petitioner** : MR. P J SAIKIA

**Advocate for the Respondent** :

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

**ORDER**

**Date : 22.08.2022.**

Heard Mr. M.U. Mahmud, learned counsel for the appellant.

The appeal is admitted for hearing upon the following substantial

questions of law.

(i) Whether, the First Appellant court committed grave errors of law and facts in not discussing and deciding all the issues framed by Ld. Trial Court, being the final court of facts though reiterated in the appeal?

(ii) Whether, the defendant/appellant had the legal right to execute a registered agreement for sale in respect of land, measuring 2 katha 5 leecha, covered by Dag No. 316/356/360 of Patta No. 62 of Dimoroguri Kissan, Mouza- Nizsahar, Dist- Nagaon, Assam, when there are many other co-pattadars/ owners in the record of right/ zamabandi without making them as parties?

(iii) Whether, the appellant/ defendant, who executed the alleged agreement with the plaintiff/ respondent, can be asked to register the sale deed in favor of the respondent/ plaintiff, when the land does not retain absolutely only in his own name and without making the other legal heirs of Abdul Kader as parties and also without determining his individual shares over the suit land?

(iv) Whether, in absence of any findings by the Ld. Courts below regarding the genuiness of the agreement for sale and signatures of the appellant on exhibit 1 i.e. Bainanama (Agreement for sale) can direct the defendant/ appellant to execute the sale deed in favour of respondent?

Issue notice returnable within 6(six) weeks.

The appellants shall take steps for service of notice upon the sole respondent by registered posts with AD as well as other usual process.

Call for the LCR.

The appellants shall be at liberty to raise any other substantial question(s) of law at the time of hearing.

List the matter after 6(six) weeks on a date to be fixed by the Registry.

**JUDGE**

**Comparing Assistant**