

GAHC010219092025



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

Case No. : FAO/63/2025

INDU DEVI SARMA AND ANR
W/O LATE CHANDRA NATH SARMA

2: JITENDRA NATH SARM
SON OF LATE CHANDRA NATH SARMA
BOTH ARE RESIDENTS OF APARTMENT NO. 401
RIANSHI WOOD APARTMENT
LAKHIMI PATH
HATIGAON
DISPUR
GUWAHATI
PIN- 781038
DISTRICT- KAMRUP M
ASSAM AND HEREIN REPRESENTED BY THE ATTORNEY HOLDER
NAMELY SUBIMAL CHAKRABO

VERSUS

GAJENDRA NATH SARMA AND ANR
SON OF LATE BHAVA NATH SARMA

2:MANASH PRATIM SARMA
SON OF SRI GAJENDRA NATH SARMA
BOTH ARE RESIDENTS OF NEAR PADUM BHAWAN
DURGA SAROVAR
KAMAKHYA GATE
GUWAHATI
PIN- 781010
DISTRICT- KAMRUP M
ASSAM

Advocate for the Petitioner : MR. S CHAMARIA, MR. N M DEKA,MR M M ZAMAN,MR A N SARMAH

Advocate for the Respondent : MR P K KALITA (R-1,2), R SARMA (R-1,2),MR. K R BOROOAH

(R-1,2)

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 19.01.2026

- 1.** Heard Mr. S. Chamaria, learned counsel for the appellants. Also heard Mr. K. R. Borooah, learned counsel for the respondents.
- 2.** This appeal under Order 43 Rule 1(r) of the Code of Civil Procedure, 1908 has been filed by the appellants impugning the order dated 12.08.2025 passed by the Court of learned Additional District Judge No. 1, Kamrup(M) in Misc.(J) Case No. 52/2025 filed in Misc.(J) Case No. 26/2025 arising out of Special LG Case No. 7/2025 whereby the prayer for grant of temporary injunction by the present appellants was dismissed and a cost of Rs.5,000/- was imposed on the appellants by the Trial Court.
- 3.** Issue notice.
- 4.** Since, Mr. K. R. Borooah, learned counsel have appeared for all the respondents, no formal notice need to be issued.
- 5.** Let also the records of Misc.(J) Case No. 52/2025 be called for as well as scanned copy of the Misc.(J) Case No. 26/2025 and scanned copy of records of the Special LG Case No. 7/2025 be called for.
- 6.** List this matter again on 26th of February, 2026 after receipt of the aforesaid records.

JUDGE

Comparing Assistant