

GAHC010224052017



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

Case No. : RSA 372/2017

1:DEBEN BORKOTAKI
S/O LATE JOGENDRA BORKOTAKI, R/O MORIGAON TOWN, WARD NO. 1,
MOUZA MORIGAON, P.O. and DIST. MORIGAON, ASSAM.

VERSUS

1:PRANAB BORKOTAKI and 5 ORS.

2:BHABANI BORKOTAKI

3:MRIDUL BORKATOKI

4:NIPUL BORKOTAKI

5:BHASKAR BORKOTAKI
ALL ARE SONS OF LATE RUHINI BORKATOKI

6:SMT. RUTULI DEVI BORKOTAKI
W/O LT. LAKSHI BORKATAKI
ALL ARE R/O MORIGAON TOWN
WARD NO. 1 MOUZA MORIGAON
P.O. and DIST. MORIGAON
ASSAM

Advocate for the Petitioner : MR.A.C.Sarma

Advocate for the Respondent : MS.J GOGOI

ORDER

Date : 23.1.2018

BEFORE

HON BLE MR. JUSTICE PRASANTA KUMAR DEKA

Heard Mr.A.C.Sarma, learned Senior counsel assisted by Mr.G.Bharadwaj learned counsel appearing for the appellant. Also heard Ms.S.Roy, leaned counsel appearing for the respondents.

This second appeal is admitted on the following substantial questions of law:

Whether the courts below while accepting the oral partition and acted upon by the parties erred in law in dismissing the counter claim of defendant No.1 for declaration of right, title and interest and recovery of possession of the suit land?

Any other substantial question of law those may be formulated at the time of hearing.
Call for the LCR.

Ms.Roy had already entered appearance on behalf of the respondent Nos.1,2,3,4 and 5. As such no notice be further issued to them. However let notice be issued to respondent No. 6 both by way of registered post A/D and usual process to be taken by the appellant within a period of three days from today.

Let this matter be listed again for orders on 14.3.2018.

Sd/-
JUDGE

Comparing Assistant