

GAHC010224602024



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

Case No. : I.A.(Civil)/3264/2024

RAMA DEVI HIMATSINGKA AND ANR
WIFE OF LATE SANTOSH KUMAR HIMATSINGKA,
RESIDENT OF RAMSAI HILLS, KHARGULI,
P.S.- LATASIL, GUWAHATI- 781004.
REPRESENTED BY SHRI KANISHKA HIMATSINGKA,
SON OF SHRI RAJESH HIMATSINGKA,
RESIDENT OF RAMSAI HILLS, KHARGULI,
P.S. LATASIL, GUWAHATI- 781004.

2: RAJESH HIMATSINGKA
SON OF LATE SANTOSH KUMAR HIMATSINGKA

RESIDENT OF RAMSAI HILLS
KHARGULI

P.S.- LATASIL
GUWAHATI- 781004.
REPRESENTED BY SHRI KANISHKA HIMATSINGKA

SON OF SHRI RAJESH HIMATSINGKA

RESIDENT OF RAMSAI HILLS
KHARGULI

P.S. LATASIL
GUWAHATI- 781004

VERSUS

PAWAN KUMAR HIMATSINGKA AND 3 ORS
SON OF LATE GAURI SHANKAR HIMATSINGKA, RESIDENT OF A-95,
MALVIYA NAGAR, NEW DELHI- 110017.

2:KAVITA HIMATSINGKA

WIFE OF LATE MUKESH HIMATSINGKA WHO WAS THE SON OF LATE
SANTOSH KUMAR HIMATSINGKA

RESIDENT OF 17 DOVER ROAD
DOVER ENCLAVE

BALLYGUNGE
KOLKATA- 700019.

3:NITIN HIMATSINGKA
SON OF LATE MUKESH HIMATSINGKA WHO WAS THE SON OF LATE
SANTOSH KUMAR HIMATSINGKA

RESIDENT OF 17 DOVER ROAD
DOVER ENCLAVE

BALLYGUNGE
KOLKATA- 700019.

4:RISHAB HIMATSINGKA
SON OF LATE MUKESH HIMATSINGKA WHO WAS THE SON OF LATE
SANTOSH KUMAR HIMATSINGKA

RESIDENT OF 17 DOVER ROAD
DOVER ENCLAVE

BALLYGUNGE
KOLKATA- 700019.

5:SUNITA AGARWAL
WIFE OF NARENDRA KUMAR AGARWAL

DAUGHTER OF LATE SANTOSH KUMAR HIMATSINGKA

RESIDENT OF LAYAK BHAWAN
HILL CART ROAD

SILIGURI
WEST BENGAL.

6:HARISH HIMATSINGKA
SON OF LATE SANTOSH HIMATSINGKA

RESIDENT OF 2ND FLOOR
19B MANDEVILLA GARDEN

KOLKATA- 700019

Advocate for the Petitioner : MR G N SAHEWALLA, MR M SAHEWALLA,MR H K SARMA,MS K BHATTACHARYYA,MS G DUGAR

Advocate for the Respondent : ,

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

ORDER

Date : 15.10.2025

- 1.** Heard Ms. K. Bhattacharyya, learned counsel for the applicants. Also heard Mr. P. Sundi, learned counsel for the respondent No. 1/plaintiff.
- 2.** The office note dated 29.07.2025 shows that the notice issued to the respondent No. 4 has returned without service. Whereas A/D card in respect of the respondent No. 3 has returned with signature of the respondent and in respect of respondent No. 2, un-served notices have not been returned.
- 3.** In view of the office note, the notices held to be duly served on respondent No. 3.
- 4.** As regards the respondent Nos. 2 and 4, the learned counsel for the respondent No. 1 has submitted that as respondent No. 1 is the plaintiff in the Title Suit No. 72/2014 and since this revision petition has impugned the order dated 11.09.2024 passed by the Trial Court in Title Suit No. 72/2014 whereby respondent No. 1/plaintiff was allowed to produce certified copy of the sale deed No. 1173/1961, hence, he submits that the presence of respondent Nos. 2 and 4 may not be necessary for adjudication of the instant civil revision petition and hence, pray for dispensing with their presence in this case.
- 5.** I have considered the submissions made by the learned counsel for both sides and have gone through the records.

- 6.** Considering the submissions made by the learned counsel for the respondent No. 1, notices issued to respondent Nos. 2 and 4 is hereby waived.
- 7.** List this matter for admission in the second week of November, 2025 on a date to be fixed by the Registry.
- 8.** The interim order shall continue till the next date.

JUDGE

Comparing Assistant