

GAHC010231202024



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

Case No. : RSA/202/2024

KHALILUR RAHMAN
S/O. LATE ABDUL KADIR, R/O. VILL. BHELAUGURI, MOUZA-
JAMUNAMUKH, P/S. DOBOKA, DIST. HOJAI, ASSAM, PIN-782120.

VERSUS

BAPURAM BASUMATARY AND 11 ORS
S/O. LATE RATNA BASUMATARY

2:MANIRAM BASUMATARY
S/O. LATE RATNA BASUMATARY

3:DULAL BASUMATARY
S/O. LATE RATNA BASUMATARY.

4:DUKHESWARI BASUMATARY
W/O. LATE RATNA BASUMATARY
ALL ARE R/O. VILL. BHELAUGURI
KACHARIGAON
MOUZA- JAMUNAMUKH
P/O. MADARTOLI
P/S. DOBOKA
DIST.- HOJAI
ASSAM
PIN-782120.

5:NAKUL CH. ROY
S/O. LATE BIJOY CH. ROY

6:PRAMADINI NAMASURA
W/O. KAMINI NAMASUDRA

7:KARANYA NAMASUDRA
S/O. KAMINI NAMASUDRA

8:BRAJENDRA NAMASUDRA
S/O/ LATE NITAI NAMASUDRA

9:RAJENDRA NAMASUDRA
S/O/ LATE NITAI NAMASUDRA

10:SURENDRA NAMASUDRA
S/O. LATE NITAI NAMASUDRA

11:KHOKANJURI LAL MATI PRIMARY BIDYALAYA
REP. BY ITS PRESIDENT.

12:MOHAN NAYAK
S/O. LATE GHASIRAM NAYAK
ALL ARE R/O. VILL.- BHELGAURI
KACHARIGAON
MOUZA- JAMUNAMUKH
P/O. MADARTOLI
P/S. DOBOKA
DIST.- HOJAI
ASSAM
PIN-782120

Advocate for the Petitioner : G UDDIN, P ADHIKARI,MR A K AZAD

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 29.11.2024

Heard Mr. G. Uddin, learned counsel for the appellant.

2. This second appeal, under Section 100 of the CPC, is directed against the judgment and decree dated 03.08.2024, passed by the learned District Judge, Sankardev Nagar, Hojai, in Title Appeal No. 02/2021.

3. It is to be noted here that vide impugned judgment and decree dated

03.08.2024, the learned District Judge, Sankardev Nagar, Hojai ('first appellate Court', for short) has dismissed the appeal on contest without cost and thereby, affirmed the judgment and decree dated 25.04.2017, passed by the learned Civil Judge, Nagaon ('trial Court', for short), in Title Suit No. 21/2010, whereby the learned trial Court had partly allowed the suit of the appellant.

4. Perused the memo of appeal and the grounds mentioned therein, and also perused the impugned judgment and decree dated 03.08.2024, passed by the learned first appellate Court, in Title Appeal No. 02/2021 and also the judgment and decree dated 25.04.2017, passed by the learned trial Court, in Title Suit No. 21/2010.

5. This second appeal is admitted on the following substantial question of law:

Whether the learned first appellate Court and the learned trial Court are justified in denying relief to the appellant herein based on Ext.2, the sale deed which was actually signed and sealed on 30.09.2003, but due to inadvertence, the date has been shown as 30.03.2003?

6. Let notice be issued to the respondents returnable in four weeks.

7. Steps be taken upon the respondents by way of registered post with A/D as well as by usual process within a week from today.

8. Registry shall call for the records from the learned first appellate Court and the learned trial Court.

9. List the matter after four weeks.

JUDGE

Comparing Assistant