

GAHC010236232024



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

**Case No. : RSA/214/2024**

GOLAM SARUAR KHAN AND ORS  
S/O LATE MUTAHAR KHAN  
RESIDENT OF REVENUE VILLAGE UDMARI, MOUZA TITAPANI, PO  
SAUPUR, DIST BARPETA ASSAM 781319

2: MAZAD KHAN  
S/O LATE MUTAHAR KHAN  
RESIDENT OF REVENUE VILLAGE UDMARI  
MOUZA TITAPANI  
PO SAUPUR  
DIST BARPETA ASSAM 781319

3: SHAHJAHAN KHAN  
S/O LATE MUTAHAR KHAN  
RESIDENT OF REVENUE VILLAGE UDMARI  
MOUZA TITAPANI  
PO SAUPUR  
DIST BARPETA ASSAM 781319

4: BADSHA KHAN  
S/O LATE MUTAHAR KHAN  
RESIDENT OF REVENUE VILLAGE UDMARI  
MOUZA TITAPANI  
PO SAUPUR  
DIST BARPETA ASSAM 781319

5: RAHUL AMIN KHAN  
S/O LATE MUTAHAR KHAN  
RESIDENT OF REVENUE VILLAGE UDMARI  
MOUZA TITAPANI  
PO SAUPUR  
DIST BARPETA ASSAM 781319

6: GOZNABI KHAN

S/O LATE MUTAHAR KHAN  
RESIDENT OF REVENUE VILLAGE UDMARI  
MOUZA TITAPANI  
PO SAUPUR  
DIST BARPETA ASSAM 781319

7: KOHINOOR KHAN  
S/O LATE MUTAHAR KHAN  
RESIDENT OF REVENUE VILLAGE UDMARI  
MOUZA TITAPANI  
PO SAUPUR  
DIST BARPETA ASSAM 781319

8: RAFIKUL ISLAM  
S/O LATE MUTAHAR KHAN  
RESIDENT OF REVENUE VILLAGE UDMARI  
MOUZA TITAPANI  
PO SAUPUR  
DIST BARPETA ASSAM 781319

9: ABDUR ROUF  
S/O LATE MUTAHAR KHAN  
RESIDENT OF REVENUE VILLAGE UDMARI  
MOUZA TITAPANI  
PO SAUPUR  
DIST BARPETA ASSAM 78131

VERSUS

ON THE DEATH OF MOZIRAN NESS HER LEGAL HEIRS SAKINA KHATUN  
AND ORS  
W/O SOBDER ALI,  
RESIDENT OF VILLAGE UDMARI, MOUZA TITAPANI, PO SAUPUR, DIST  
BARPETA ASSAM 781319

2:AYESHA KHATUN @ AYA KHATUN  
W/O LATE SURMAN ALI

RESIDENT OF VILLAGE ADITPUR  
PO SAUPUR  
PS KALGACHIA  
DIST BARPEA  
ASSAM 781319

3:ON THE DEATH OF MUSTAFA MIYA  
HIS LEGAL REPRESENTATIVE ESHAK ALI

S/O LATE MUSTAFA MIYA

RESIDENT OF VILLAGE SANTOSHPUR PART II  
PO SANTOSHPUR  
PS ABHAYAPURI  
DIST BONGAIGAON  
ASSAM 783380

4:RAZAK ALI  
S/O LATE MUSTAFA MIYA

RESIDENT OF VILLAGE SANTOSHPUR PART II  
PO SANTOSHPUR  
PS ABHAYAPURI  
DIST BONGAIGAON  
ASSAM 783380

5:MOMTAZ KHATUN  
S/O LATE MUSTAFA MIYA

RESIDENT OF VILLAGE SANTOSHPUR PART II  
PO SANTOSHPUR  
PS ABHAYAPURI  
DIST BONGAIGAON  
ASSAM 78338

**Advocate for the Petitioner** : MR. A.I. AHMED, MS B DEVI,MR P SAH,MR A I AHMED

**Advocate for the Respondent** : ,

**BEFORE**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**20.11.2024**

Heard Mr. A. I. Ahmed, learned counsel for the petitioner.

This appeal has been preferred under Section 100 of the CPC Act against the judgment and decree dated 25.07.2024 passed by the learned Civil Judge (Sr. Div.), Barpeta in Title Appeal No. 30/2005 affirming the judgment and decree dated 11.03.2005 passed by the learned Civil Judge (Jr. Divn.) No.1,

Barpeta in Title Suit No. 34/2002.

Issue notice to the respondents by registered A/D post and usual process, returnable within 4(four) weeks.

Call for the trial court record of Title Suit No. 34/2002 from the court of learned Civil Judge (Jr. Divn.) No.1, Barpeta.

Registry to procure the same.

List the matter accordingly after 4(four) weeks.

**JUDGE**

**Comparing Assistant**