

GAHC010242472025



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

Case No. : FAO/68/2025

ABDUL MANNAF
SON OF LATE JOSMAT ALI RESIDENT OF VILLAGE- SEDAMARI P.O.-
BALAPARA, P.S.- JOGIGHOPA, DISTRICT- BONGAIGAON, ASSAM, PIN-
783388

VERSUS

NAZRUL HUSSAIN AND 9 ORS.
SONS OF LATE ABDUL SATAR, RESIDENT OF GOALPARA TOWN, WARD
NO. 13, P.O.AND P.S.- GOALPARA, ASSAM PIN-783101

2:MOFIDUL HUSSAIN
SONS OF LATE ABDUL SATAR
RESIDENT OF GOALPARA TOWN
WARD NO. 13
P.O.AND P.S.- GOALPARA
ASSAM PIN-783101

3:AMIR HUSSAIN
SONS OF LATE AKSAR ALI- RESIDENT OF VILLAGE - - BARPARA-

4:AYNUL HOQUE
SONS OF LATE AKSAR ALI- RESIDENT OF VILLAGE - - BARPARA-

5:SAHINUR ALOM
SON OF LATE RAJAB ALI
RESIDENT OF VILLAGE- PALLIRTOL SEDAMARI

6:MONOWAR HUSSAIN
SON OF LATE EUSOB ALI- RESIDENT OF VILLAGE- BARPARA-

7:RAHMAT ALI

SON OF LATE KASUA SHEIKH
RESIDENT OF VILLAGE-BARPARA-

8:AJIDA BEGUM
WIFE OF -KASHEM ALI AND D/O-ASKER ALI
RESIDENT OF VILLAGE- BARPARA-

9:EKRAMUL HOQUE
SON OF MUFTI ABDUL HOQUE
RESIDENT OF VILLAGE- -SEDAMARI

10:OMELA KHATUN
DAUGHTER OF LATE MORTUJ ALI
RESIDENT OF VILLAGE- -BARPARA- ALL ARE UNDER P.O.- BALAPARA
P.S.-JOGIGHOPA- DISTRICT-BONGAIGAON ASSAM
PIN-783388 PROFORMA RESPONDENT/ PROFORMA DEFENDANT NO. 1 TO

Advocate for the Petitioner : MS P SARMA, MS. P P DAS,MR. P P DUTTA

Advocate for the Respondent : FOR CAVEATOR, MD. MEMON AHMED,MS. R CHOUDHURY

With

I.A.(Civil)/3491/2025

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PIN-783388 PROFORMA RESPONDENT/ PROFORMA DEFENDANT NO. 1 TO 8

Advocate for : MS P SARMA
Advocate for : FOR CAVEATOR appearing for NAZRUL HUSSAIN AND 9 ORS.

In

FAO Case No. 68/2025

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

ORDER

03.11.2025

1. Heard Mr. P.P. Dutta, the learned counsel for the appellant. Also heard Ms. R. Choudhury, the learned counsel appearing on behalf of the caveator/respondent Nos.1 and 2.

2. This appeal under Order XLIII Rule 1(r) of the Code of Civil Procedure, 1908 has been filed by the appellant, Abdul Mannaf, impugning the order dated 14.10.2025, passed by the Court of the learned Civil Judge (Senior Division), Bongaigaon in Misc.(J) Case No. 47/2025, in connection with Title Suit No. 114/2025, whereby, the present petitioner, his men, agents etc. were restrained from disturbing the respondents from doing lawful work caused by the Star Brick Industry and also from preventing them from selling them the bricks in stocks till disposal of the connected title suit.

3. Appeal is admitted.

4. Since, Ms. R. Choudhury, has already appeared on behalf of the respondent Nos. 1 and 2, no formal notice needs to be issued to the respondent Nos. 1 and 2. As regards other respondents, the petitioners shall take steps for issuance of notice on the said respondents by speed post within 3(three) days from the date of this order, returnable on 18th November, 2025.

5. The learned counsel for the appellant is also allowed to take steps for issuance of notice on the proforma respondents through *dasti mode*. In the

event of service of notice on the proforma respondents by *dasti mode*, the appellant shall submit an affidavit in compliance thereof on the next date fixed.

6. The learned counsel appearing on behalf of the respondent Nos.1 and 2 has prayed for allowing the respondents to file the written objection against the prayer of the appellant.

7. The prayer is allowed.

8. They may do so before the next date fixed.

9. List accordingly on 18th November, 2025.

JUDGE

Comparing Assistant