

GAHC010251372024



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

Case No. : CRP(IO)/493/2024

MORIAM KHATUN AND 7 ORS
, AGE 36 YEARS,
D/O LATE NOOR MAHAMMAD.

2: AZIRAN NESSA

AGE 52 YEARS

D/O LATE ABU BAKKAR.

3: HANUFA KHATUN

AGE 51 YEARS

D/O LATE HABIBAR RAHMAN.

4: RABI SHEIKH

AGE 63 YEARS

S/O LATE FAJIL KHAN
RESIDENT OF
VILL- SHORIATPUR
P.O. SHOWPUR

DISTRICT- BARPETA
ASSAM.

5: BASIRAN NESSA

AGE 54 YEARS

D/O LATE NOOR MAHAMMAD.

6: SAKINA KHATUN

AGE 55 YEARS

D/O LATE HABIBAR RAHMAN.

7: HAWA KAHTUN

AGE 45 YEARS

D/O LATE HABIBAR RAHMAN

8: HAMELA KHATUN

AGE 37 YEARS.

D/O LATE HABIBAR RAHMAN.

PETITIONERS NO. 1

2

3

5

6

7 AND 8 ARE RESIDENTS OF VILL- KHUDRAKUCHI

MOUZA- TITAPANI

P.O. TITAPANI

DIST- BARPETA

ASSAM

PIN- 781319

VERSUS

LEGAL HEIR OF LATE MAYEZ UDDIN SHAHJAHAN ALI AHMED AND 33
ORS

(A).SHAHJAHAN ALI AHMED, S/O LATE MAYEZ UDDIN.

(B)SULAIMAN ALI AHMED, LATE MAYEZ UDDIN.

(C)NURJAHAN BEGUM, D/O LATE MAYEZ UDDIN.

(D)FIROZA AHMED, D/O LATE MAYEZ UDDIN

(E)HASINA KHATUN, D/O LATE MAYEZ UDDIN.

(F)RAHILA KHATUN, D/O LATE MAYEZ UDDIN.(G)MANJUWARA KHATUN,
D/O LATE MAYEZ UDDIN

2:AINUDDIN

S/O LATE ENAYETULLAH

3:ABDUL HAMID

S/O LATE ENAYETULLAH.

4:SIRAJ UDDIN

S/O LATE ENAYETULLAH.

5:ISMAIL HUSSAIN

S/O-LATE ASAN UDDIN

6:JAMAL UDDIN

S/O LATE ASAN UDDIN

7:KAMAL UDDIN

S/O LATE ASAN UDDIN

8:HAZERA KHATUN

D/O- LATE ASAN UDDIN

9:JAITUN NESSA

D/O- LATE ASAN UDDIN

10:BHANU NESSA

D/O- LATE ASAN UDDIN

ALL ARE RESIDENTS OF VILL- KHUDRAKUCHI
MOUZA- TITAPANI
P.O. TITAPANI

DIST- BARPETA
ASSAM. PIN-781319

11:DILHAZUDDIN AHMED

S/O LT. ENAYETULLAH.

12:HARUNAR RASHID

S/O LT. ENAYETULLAH

13:MST. MISIRAN NESSA

W/O LT. HABIBAR
RAHMAN

14:SIDIQUE AHMED

S/O LT. HABIBAR RAHMAN.

15:ZAKIR HUSSAIN

S/O LT. HABIBAR RAHMAN.

16:MAFIDUL ISLAM

S/O LT. HABIBAR RAHMAN

17:MST. HAZERA KHATUN

W/O LT. NOOR MOHAMMAD

18:JEHIRUL ISLAM

S/O LT. NOOR MOHAMMAD

19:SAIDUL ISLAM

S/O- LATE NOOR MOHAMMAD

20:AZIZUR RAHMAN

S/O- LATE NOOR MOHAMMAD

21:BAHARUL ISLAM

S/O LT. NOOR MOHAMMAD

22:PIAR HUSSAIN

S/O-LT. NOOR MOHAMMAD

23:JAMIRAN NESSA

S/O-LT. NOOR MOHAMMAD

24:MAHIRAN NESSA

D/O LT. ABU BAKKAR

25:MOTIUR RAHMAN

S/O LT. ABU BAKKAR

26:MOZAMMEL HOQUE

S/O LT. ABU BAKKAR

27:SAHIDUL ISLAM

S/O LT. ABU BAKKAR

28:SAFIKUL ISLAM

S/O LT. ABU BAKKAR

29:MST. SAZIA KHATUN

D/O LT. ABU BAKKAR

30:MST. FAZILA KHATUN

D/O LT. ABU BAKKAR

31:FAZAR ALI

S/O LT. ASAN UDDIN

32:MAJAR ALI

S/O LT. ASAN UDDIN

33:MST. AHIMON NESSA

D/O LT. ASAN UDDIN

34:MST. JAMELA KHATUN

W/O LT. ASAN UDDIN

NO. 11 TO 34 ARE RESIDENTS OF VILL- KHUDRAKUCHI

MOUZA- TITAPANI

P.O. TITAPANI

DIST- BARPETA

ASSAM. PIN- 781319

Advocate for the Petitioner : MR. P K ROYCHOU DHURY, MR M HUSSAIN,MR. A K AZAD,MR. S R BARBHUIYA,MR. N HAQUE

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 02.12.2024

Heard Mr. P.K.Roychoudhury, learned counsel for the petitioners.

By filing this application under Article 227 of the Constitution of India r/w Section 151 of the CPC, the petitioners have prayed for quashing of the impugned Order dated 03.10.2024 passed by the learned Civil Judge (Jr.Divn.) No.1, Barpeta in Misc. (J) Case No.82/2024 (arising out of T.Ex. Case No.27/2014) whereby the Misc. Case filed by the petitioners for cancelling the compromise decree dated 09.10.2010 passed in Title Suit No. 74/2009 was rejected.

Issue notice to the respondents.

Petitioners to take steps for service of notice on respondents by registered post with A/D as well as by usual process, returnable within four weeks. Steps within 7 days.

Call for the scanned copy of case records pertaining to Misc. (J) Case No.82/2024.

Registry to procure the records.

Learned counsel for the petitioners submits that compromise decree was passed in connection with Title Suit No.74/2009 vide order dated 09.10.2010 before the Lok Adalat in the petition No. 3040/2010 filed before the learned Civil Judge No.1, Barpeta. The petitioners were not aware about the compromise decree and Title Execution Case and they did not put their signature and even they were not present before the Lok Adalat. Title Execution case is pending for

hearing and as such, learned counsel for the petitioners prays for stay of the Title Execution Case No. 27/2014.

Considering the submissions of learned counsel for the petitioners, the Title Execution Case No. 27/2014 (arising out of Title Suit No. 74/2009) pending before the learned Civil Judge (Jr. Divn.) No.1, Barpeta shall remain stayed till the returnable date.

List after four weeks.

JUDGE

Comparing Assistant