

GAHC010254232025



2026:GAU-AS:2960

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

Case No. : I.A.(Civil)/3764/2025

SADHANA NAG
D/O LATE SUDHIR CH. NAG, RESIDENT OF EAST CHOWKIDINGHEE NEAR
SASHAN, P.O AND P.S. DIBRUGARH, DISTRICT- DIBRUGARH, ASSAM PIN
786003, ASSAM.

VERSUS

USHA RANI NAG
WIFE OF LATE.BADAL NAG, RESIDENT OF EAST CHOWKINDINGHEE
NEAR SASHAN, P.O AND P.S DIBRUGARH, DISTRICT-DIBRUGARH, PIN
786003

Advocate for the Petitioner : MR. K R BOROOAH,

Advocate for the Respondent : ,

Linked Case : RSA/201/2025

SADHANA NAG
RESIDENT OF EAST CHOWKIDINGHEE NEAR SASHAN
P.O AND P.S. DIBRUGARH
DISTRICT- DIBRUGARH
ASSAM PIN 786003
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RESIDENT OF EAST CHOWKINDINGHEE NEAR SASHAN
P.O AND P.S DIBRUGARH
DISTRICT-DIBRUGARH
PIN 786003. ASSAM.

Advocate for : MR. K R BOROOAH
Advocate for : MR. R S MISHRA appearing for USHA RANI NAG

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

26.02.2026

Heard Mr. K. R. Barooah, learned counsel for the applicant and Mr. R. S. Mishra, learned counsel for the opposite party.

2. This application, under Order XLI Rule 5, read with Section 151 of the Code of Civil Procedure, is preferred by the applicant for staying operation of the Judgment and Order, dated 22.08.2025, passed by the learned Civil Judge (Sr. Div.), Dibrugarh, in Title Appeal No. 10/2022.

3. It is to be noted here that vide impugned Judgment and Order, dated 22.08.2025, the learned Civil Judge (Sr. Div.), Dibrugarh, has affirmed the Judgment and Decree, dated 04.07.2022, passed by the learned Munsiff No. 1, Dibrugarh, in Title Suit No. 6/2016; whereby, the suit filed by the respondent/plaintiff was decreed.

4. Mr. Barooah, learned counsel for the applicant submits that the appeal has already been admitted for hearing, after framing of substantial question of law and the record has also been called for and in the meantime, the respondent herein has already initiated execution proceeding, being Execution Case No. 25/2025, and as such, there is a requirement of staying the operation of the impugned Judgment and Order, dated 22.08.2025, passed by the learned Civil Judge (Sr. Div.), Dibrugarh, in Title Appeal No. 10/2022.

5. Mr. Mishra, learned counsel for the opposite party has however, opposed the petition.

6. Accordingly, taking note of the submission of the learned counsel for both the parties, operation of the Judgment and Order, dated 22.08.2025, passed by the learned Civil Judge (Sr. Div.), Dibrugarh, in Title Appeal No. 10/2022, stands stayed, till disposal of the RSA No. 201/2025.

7. In terms of the above, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant