

GAHC010257882013



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

Case No. : RSA/260/2013

BABLA SINHA AND 3 ORS.
S/O- LATE BABASENA SINGHA, R/O- VILL.- RAJARGAON, P.O.
PATAHRKANDI, DIST.- KARIMGANJ, ASSAM, PIN- 788724.

2: BABUL SINHA
S/O- LATE BABASENA SINGHA
R/O- VILL.- RAJARGAON
P.O. PATAHRKANDI
DIST.- KARIMGANJ
ASSAM
PIN- 788724.

3: LILI SINHA
D/O- LATE BABASENA SINGHA
R/O- VILL.- RAJARGAON
P.O. PATAHRKANDI
DIST.- KARIMGANJ
ASSAM
PIN- 788724.

4: SMTI. BRAJESWARI DEVI
W/O- LATE BABASENA SINGHA
R/O- VILL.- RAJARGAON
P.O. PATAHRKANDI
DIST.- KARIMGANJ
ASSAM
PIN- 788724

VERSUS

ON THE DEATH OF RANJIT NAG CHOUDHARY HIS LEGAL AND
SUCCESSORS and 3 ORS.
NAMELY-

1.1:MRS. MALOTI NAG CHOUDHARY
W/O LATE RANJIT NAG CHOUDHARY
R/O KARIMGANJ TOWN
PO KARIMGANJ
(WARD NO 25 OF KARIMGANJ MUNICIPAL BOARD)
P.S. KARIMGANJ
DISTRICT KARIMGANJ

1.2:SRI RAJDEEP NAGH CHOUDHARY
S/O LATE RANJIT NAG CHOUDHARY
R/O KARIMGANJ TOWN
PO KARIMGANJ
(WARD NO 25 OF KARIMGANJ MUNICIPAL BOARD)
P.S. KARIMGANJ
DISTRICT KARIMGANJ

2:ON THE DEATH OF BIJIT NAG CHOUDHURY
HIS LEGAL SUCCESSORS
NAMELY-

2.1:MRS BITHIKA NATH CHOUDHARY
W/O LATE BIJIT NAG CHOUDHARY
R/O KARIMGANJ TOWN
PO KARIMGANJ
(WARD NO 25 OF KARIMGANJ MUNICIPAL BOARD)
P.S. KARIMGANJ
DISTRICT KARIMGANJ

2.2:SRI BINITA NAGH CHOUDHURY
W/O LATE BIJIT NAG CHOUDHARY
R/O KARIMGANJ TOWN
PO KARIMGANJ
(WARD NO 25 OF KARIMGANJ MUNICIPAL BOARD)
P.S. KARIMGANJ
DISTRICT KARIMGANJ

3:SUJIT NAG CHOUDHURY
ALL ARE THE SONS OF LATE HARENDRA NANG CHOUDHURY
R/O KARIMGANJ TOWN
P.O. KARIMGANJ WARD NO. 25 OF KARIMGANJ MUNICIPAL BOARD
P.S. KARIMGANJ
DIST. KARIMGANJ
PIN

4:SMTI SMRITI ROY LASKAR
D/O LATE HARENDRA NAG CHOUDHURY
R/O SRI SITANGSHU SEKHAR ROY LASKAR
R/O LUMDING RLY HOSPITAL

P.O. LUMDING
DIST. NAGAON
ASSAM
PIN 782447
ASSAM

Advocate for the Petitioner : MR. R K BHUYAN, MR. P K DEKA, MR K SAIKIA, MR. R RABHA, MS. R DUTTA, MR A ZAMAN,,,,,

Advocate for the Respondent : MISS.P M AHMED, MS. S. TODI (R-3,4), MR. M H RAJBARBHUIYAN (R-3,4), MR M SAHEWALLA (R-3,4), MR G N SAHEWALLA (R-3,4), MR.M K SHARMA, MR.M A CHOUDHURY, MR.A B CHOUDHURY,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

14.10.2025

1. Heard Mr. R.K. Bhuyan, the learned counsel appearing for the appellants. Also heard Mr. G.N. Sahewalla, the learned Senior Counsel, assisted by Ms. S. Todi and Mr. M.H. Rajbarbhuiyan, the learned counsel appearing for all the respondents.

2. It appears from the order dated 21.05.2014 that this Court had formulated following substantial question of law:-

“Whether the suit of the plaintiffs is barred under Section 4(1) of the Benami Transaction (Prohibition) Act, 1988?”

3. The learned counsel for the appellants has fairly submitted that in view of the judgment of the Apex Court passed in the case of “**R. Rajagopal Reddy(Dead) By Lrs. And Others Vs. Padmini Chandrasekharan (Dead) By Lrs.**” reported in “**(1995) 2 SCC 630**” the afore stated substantial question of law no longer remains as substantial question of law as the legal position in respect of the aforesaid substantial question of law has already been

settled by the Apex Court in the said judgment.

4. Mr. G.N. Sahewalla, the learned Senior Counsel, appearing for all the respondents also submits similarly that in view of the aforesaid Apex Court judgment, the substantial question of law formulated by this Court on 21.05.2014 no longer remains a substantial question of law nor decided by the Apex Court. However, the learned counsel for the appellants has submitted that while formulating the aforesaid substantial question of law, this Court also granted liberty to the appellants to raise any other substantial question of law involved in this appeal. He submits that there are other substantial questions of law which are involved in this appeal and seeks some time to submit draft substantial question of law, which may be formulated in this appeal.

5. The prayer is allowed.

6. Let this matter be listed on 30th October, 2025.

JUDGE

Comparing Assistant