

GAHC010274902025



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

Case No. : RSA/1/2026

AMIR HUSSAIN
S/O SULTAN ALI, R/O VILL- MIKIRATI HOW GAON, MOUZA-
JAMUNAMUKH, P.O. AND P.S.- DOBOKA, DIST- HOJAI, ASSAM, PIN-782440

VERSUS

KASHEM ALI AND 2 ORS.
S/O LATE ABBAS ALI, R/O VILL- MIKIRATI HOW GAON, MOUZA-
JAMUNAMUKH, P.O. AND P.S.- DOBOKA, DIST- HOJAI, ASSAM, PIN-782440

2:MUSSTT. JABINA KHATUN
W/O KASHEM ALI
R/O VILL- MIKIRATI HOW GAON
MOUZA- JAMUNAMUKH
P.O. AND P.S.- DOBOKA
DIST- HOJAI
ASSAM
PIN-782440

3:IUNIS ALI
S/O LATE SULTAN ALI
R/O VILL- MIKIRATI HOW GAON
MOUZA- JAMUNAMUKH
P.O. AND P.S.- DOBOKA
DIST- HOJAI
ASSAM
PIN-78244

Advocate for the Petitioner : MR H R A CHOUDHURY, MD. MEMON AHMED,MS. B. HAZARIKA,MS. R CHOUDHURY

Advocate for the Respondent : ,

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

ORDER

Date : 19.01.2026

- 1.** Heard Ms. R. Chodhury, learned counsel for the applicant.
- 2.** This regular second appeal under Section 100 read with Section 42 of the Code of Civil Procedure, 1908 has been preferred by the appellant, namely, *Amir Hussain* impugning the judgment and decree dated 22.09.2025 passed by the Court of learned Civil Judge (Senior Division), Hojai in Title Appeal No. 1/2021 whereby it affirmed the decree and judgment dated 11.04.2019 passed by the Court of learned Civil Judge (Junior Division), Sankardev Nagar, Hojai in Title Suit No. 47/2009 whereby the suit of the respondents/plaintiffs was decreed.
- 3.** After considering the submissions made by learned counsel for the appellant and after going through the materials on record, following substantial question of law is formulated in this appeal:-

“Whether the judgment and decree passed by the Appellate Court as well as Trial Court are perverse to the extent it declared the right, title and interest of the plaintiffs/respondent over the suit property on the basis of a registered sale deed, which was executed in the year 2008. Whereas, the plaintiff was divested of the right, title and interest over the said property as the said property was in possession of the present appellant for last 60 to 70 years by constructing houses thereon and whether the Trial Court and Appellate Court committed perversity in not considering the plea of adverse possession raised by the present appellant before the

said court”.

- 4.** Issue notice to the respondents.
- 5.** The appellants shall take steps for issuance of notice upon the respondents by speed post as well as by usual mode within seven days from the date of this order, returnable on 27th of February, 2026.
- 6.** Let the records of Title Appeal No. 1/2021 and Title Suit No. 47/2009 be called for from the respective Courts.
- 7.** List accordingly.

JUDGE

Comparing Assistant