

GAHC010278512019



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

Case No. : RSA/278/2019

SRI TAPAN SAHA AND 3 ORS.

S/O- LATE UPENDRA NATH SAHA, R/O- WARD NO. III, GAURIPUR TOWN,
P.O. GAURIPUR, P.S. GAURIPUR, DIST.- DHUBRI, ASSAM, PIN- 783331.

2: SRI SOVAN SAHA

S/O- LATE UPENDRA NATH SAHA

R/O- WARD NO. III

GAURIPUR TOWN

P.O. GAURIPUR

P.S. GAURIPUR

DIST.- DHUBRI

ASSAM

PIN- 783331.

3: SRI RATAN SAHA

S/O- LATE UPENDRA NATH SAHA

R/O- WARD NO. III

GAURIPUR TOWN

P.O. GAURIPUR

P.S. GAURIPUR

DIST.- DHUBRI

ASSAM

PIN- 783331.

4: SRI JIBAN KRISHNA SAHA

S/O- LATE UPENDRA NATH SAHA

R/O- WARD NO. III

GAURIPUR TOWN

P.O. GAURIPUR

P.S. GAURIPUR

DIST.- DHUBRI

ASSAM

PIN- 783331

VERSUS

SRI JOYKANTA KALITA AND 9 ORS.

S/O- LATE BIDITRAM KALITA, R/O- GAURIPUR TOWN, WARD NO. 3, P.O.
GAURIPUR, P.S. GAURIPUR, DIST.- DHUBRI, ASSAM, PIN- 783331.

2:SRI LAKSMIKANTA KALITA

D/O- LATE BIDITRAM KALITA

R/O- GAURIPUR TOWN

WARD NO. 3

P.O. GAURIPUR

P.S. GAURIPUR

DIST.- DHUBRI

ASSAM

PIN- 783331.

3:SRI SUBODH SAHA

S/O- LATE MAHENDRA NATH SAHA

R/O- GAURIPUR TOWN

WARD NO. 3

P.O. GAURIPUR

P.S. GAURIPUR

DIST.- DHUBRI

ASSAM

PIN- 783331.

4:SRI SUBAL SAHA

S/O- LATE MAHENDRA NATH SAHA

R/O- GAURIPUR TOWN

WARD NO. 3

P.O. GAURIPUR

P.S. GAURIPUR

DIST.- DHUBRI

ASSAM

PIN- 783331.

5:SRI JITENDRA NATH SAHA

S/O- LATE JOGENDRA NATH SAHA

R/O- GAURIPUR TOWN

WARD NO. 3

P.O. GAURIPUR

P.S. GAURIPUR

DIST.- DHUBRI

ASSAM

PIN- 783331.

6:SRI NIRMAL SAHA

S/O- LATE JOGENDRA NATH SAHA

R/O- GAURIPUR TOWN
WARD NO. 3
P.O. GAURIPUR
P.S. GAURIPUR
DIST.- DHUBRI
ASSAM
PIN- 783331.

7:SRI RAJIB SAHA
S/O- LATE MOHANLAL SAHA
R/O- GAURIPUR TOWN
WARD NO. 3
P.O. GAURIPUR
P.S. GAURIPUR
DIST.- DHUBRI
ASSAM
PIN- 783331.

8:SRI SHEFALI BALA SAHA
W/O- LATE MOHANLAL SAHA
R/O- GAURIPUR TOWN
WARD NO. 3
P.O. GAURIPUR
P.S. GAURIPUR
DIST.- DHUBRI
ASSAM
PIN- 783331.

9:SRI UTPAL SAHA
S/O- LATE PARESH SAHA
R/O- GAURIPUR TOWN
WARD NO. 4
P.O. GAURIPUR
P.S. GAURIPUR
DIST.- DHUBRI
ASSAM
PIN- 783331.

10:THE STATE OF ASSAM
REP. BY THE COLLECTOR OF DHUBRI DISTRICT
P.O. AND DIST.- DHUBRI
ASSAM
PIN- 783301

Advocate for the Petitioner : MR. P P BARUAH

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA
ORDER

19.07.2021

Heard the learned counsel Mr. P.P. Baruah for the appellants.

This is an appeal under Section 100 of the Code of Civil Procedure.

The appeal is admitted for Hearing upon the following 2 (two) substantial questions of law:

1. Whether the principle of preponderance of probability relates to title can apply when documents as regards title i.e. Exhibit 1 and 2 exist and non-rebutted by any party?
2. Whether the principle of preponderance of probability can apply in favour of any party who fails to prove the source of title in his favour?

Issue Notice to the respondents.

The appellants take steps for service of notice upon the respondents by registered post with A/D and other usual process.

Call for the records.

List after 6 (six) weeks.

JUDGE

Comparing Assistant