

GAHC010290842019



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

**Case No. : RSA 280/2019**

1:RAJU CHANDRA DAS  
S/O- LATE LOKESH DAS, R/O- VILL.- UTTAR KANCHANPUR, P.O. JANAKI  
BAZAR, DIST.- HAILAKANDI, PIN- 788014.

VERSUS

1:SRI NISHI KANTA DAS AND 2 ORS  
S/O- LATE NOLINI MOHAN DAS, R/O- VILL.- UTTAR KANCHANPUR PART-  
II, P.S. PANCHGRAM, P.O. JANAKI BAZAR, DIST.- HAILAKANDI, PIN-  
788801.

2:SMTI. SANDHYA RANI DAS  
W/O- NISHI KANTA DAS  
R/O- VILL.- UTTAR KANCHANPUR PART-II  
P.S. PANCHGRAM  
P.O. JANAKI BAZAR  
DIST.- HAILAKANDI  
PIN- 788801.

3:SUMA RANI DAS  
W/O- LATE UJJAL DAS  
D/O- NIBARUN CH. DAS  
R/O- VILL.- AUWAL TILLA  
SILCHAR  
P.O. GHUNGOOR  
P.S. SILCHAR  
DIST.- CACHAR  
ASSAM  
PIN- 788014

**Advocate for the Petitioner : MS. R CHOUDHURY**

**Advocate for the Respondent :**

**BEFORE  
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**Date : 18.12.2019**

Heard Mrs. R. Choudhury, learned counsel for the appellant.

This appeal under Section 100 CPC is directed against the first appellate judgment and decree dated 04.10.2019 passed by the learned Civil Judge, Hailakandi in Money Appeal No. 3/2018, thereby reversing the judgment and decree dated 03.10.2018 passed by the learned Munsiff No.1, Hailakandi in MS No. 59/2015.

The appeal is admitted on the following substantial question of law:

(i) *Whether the impugned judgment and decree passed by the learned first appellate court, thereby allowing the decree and dismissing the suit on the ground of mis-joinder of respondent No.1?*

The appellant is permitted to raise any other substantial question of law which may arise in course of hearing.

Issue usual notice returnable in 6(six) weeks.

Call for the records.

The appellant shall take steps for service of notice on respondents by usual process as well as by registered post within 2 days from today.

List the matter after 6(six) weeks.

**JUDGE**

**Comparing Assistant**