

GAHC010292262023



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

Case No. : I.A.(Civil)/773/2026 in RSA/26/2026

ISLAM UDDIN
S/O ABDUR RAKIB RESIDENT OF VILLAGE MAJISHPUR
PO MARJATKANDI
PS BADARPUR
DIST SHRI BHUMI (KARIMGANJ)
ASSAM 788701

VERSUS

SAHIDA SULTANA
W/O ISLAM UDDIN D/O SAFIQR RAHMAN RESIDENT OF VILLAGE
BUNDASHIL
PO AND PS BADARPUR
DIST SHRI BUMI (KARIMGANJ)
ASSAM 788808

Advocate for : MR. A T SARKAR
Advocate for : MR. P K DEKA appearing for SAHIDA SULTANA

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

05.05.2026

Heard Mr. A. Mobarague, learned counsel for the applicant and also heard Mr. P.K.

Deka, learned counsel for the respondent.

This application under Order XLI Rule 5 of the Code of Civil Procedure is preferred by the applicant for staying the operation of the impugned judgment and decree dated 30.08.2023, passed by the learned First Appellate Court.

Mr. Mobaraque submits that the appeal has already been admitted by this Court after formulation of substantial questions of law and the record has also been called for and in that view of the matter, there is a requirement of staying the operation of the impugned judgment and decree till disposal of the appeal.

Mr. Deka submits that he has no objection in the event of staying the judgment and decree passed by the learned First Appellate Court since the second appeal has already been admitted for hearing.

Accordingly, taking note of the submission of learned counsel for both the parties, this I.A. stands disposed of and operation of the impugned judgment and decree dated 30.08.2023, stands stayed.

Sd/- Robin Phukan
JUDGE

Comparing Assistant