

GAHC040002242026



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

Case No. : CRP/7/2026

Smti Tayer Mami and Anr
Wife of Late Tayer Tatum, resident of Medical Health Centre, Doimukh, PO and PS
Doimukh, Papum Pare District, Arunachal Pradesh.

2: Tayer Sakio
Age:
Occupation :
Son of Late Tayer Tatum
resident of medial Health Centre
Doimukh
PO and PS Doimukh
Papum Pare District
Arunachal Pradesh.(legal representative of judgment debtor Late Tayer Tatum

VERSUS

The Deputy Commissioner and Anr
Papum Pare District, Yupia, Arunachal Pradesh the executing Court.

2:Likha Pake
Age: 0
Occupation :
Son of Shri Likha Tedi
resident of Nirjuli Village I near masjid
PO and PS Nirjuli
Papum Pare District

Advocate for the Petitioner : Duyu Nimey, Dusu Pullo, Mudang Doilyang, Hage Tai
Advocate for the Respondent : GA (AP),

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 17.02.2026

Heard Mr. Duyu Nimey, learned counsel for the petitioners. Also heard Ms. Riyum Basar, learned Government Advocate, appearing on behalf of the respondent No. 1.

2. The present Civil Revision Petition under Section 115 of the Code of Civil Procedure, 1908, is directed against the order dated 04.11.2025, passed by the Deputy Commissioner, Papum Pare District, Yupia, in Execution Petition No. PP/JUD-0951/2024, whereby, the Deputy Commissioner while rejecting the objections raised by the legal representatives of the deceased/Judgment Debtor, and directed the representatives of the deceased/Judgment Debtor to satisfy the decreed amount or to handover and transfer the possession of the land in terms of the Mel decision/bamboo groove located at Doimukh within 15 days from the date of the said order failing which coercive execution steps under Order XXI of the Code of Civil Procedure, 1908, shall follow.

3. It is contended that during the pendency of the execution petition; the judgment/Debtor passed away on 04.01.2025, and the petitioners being the mother and the son, respectively, are legal heirs of the deceased judgment/Debtor but they have not inherited any movable or immovable estate of the deceased.

4. It is further contended that the executing Court failed to conduct proper inquiry regarding existence of the estate inherited by the legal representatives from the deceased Judgment Debtor and directed for taking coercive execution

steps against the petitioners. Therefore, the impugned order suffers from material irregularity in exercise of jurisdiction.

- 5.** Issue notice, returnable within 4(four) weeks.
- 6.** Call for the scanned copies of the relevant records.
- 7.** Since Ms. Basar, learned Government Advocate, has appeared and accepted notice on behalf of the respondent No. 1, no formal notice is required to be sent to the respondent.
- 8.** Steps be taken upon the respondent No. 2 by Speed Post with A/D as well as by usual process within a week from today.
- 9.** List it after 4(four) weeks on a date to be fixed by the Registry.
- 10.** In the meantime, till the next returnable date, the further coercive execution steps pursuant to the impugned order dated 04.11.2025, against the petitioners, shall remain stayed.
- 11.** However, it is made clear that this order shall not prevent the decree holder from taking steps for identification of the estate, if any, of the deceased judgment debtor in accordance with law.

JUDGE

Comparing Assistant