

GAHC040009812025



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

Case No. : CRP/65/2025

Tani Jamoh
Son of Late Tarung Jamoh, Bogne Village, PO and PS Kaying, Siang District,
Arunachal Pradesh.

VERSUS

Tabong Jamoh and 2 Ors
Son of Late Tarung Jamoh, Bogne Village, PO and PS Kaying, Siang District,
Arunachal Pradesh. 2:Tarik Jamoh
Age: 0
Occupation :
Son of Late Tarung Jamoh
Bogne Village
PO and PS Kaying
Siang District
Arunachal Pradesh.

3:Taling Jamoh
Age: 0
Occupation :
Son of Late Tarung Jamoh
Bogne Village
PO and PS Kaying
Siang District
Arunachal Pradesh

Advocate for the Petitioner : David Tatak, Lod Asha,Mudang Yubbey

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 20-06-2025

Heard Mr. David Tatak, learned counsel for the petitioner.

2. The present petition has been filed under Article 227 of the Constitution of India read with section 115 of the Code of Civil Procedure, 1908 challenging the order dated 12.06.2025 passed by the Extra Assistant Commissioner, Siang district, Kaying in Execution Case no. 25, KYG/JK-20/2025-26/1611 whereby the petitioner has been directed to adhere to the decision of the Kebang order dated 16.03.2024 failing which he shall be liable for civil imprisonment.

3. The contention of the petitioner is that the Customary Court of Bogne village, headed by Head Gaon Burah, proceeded the Kebang proceeding of the complaint ex-parte and decided the matter on 16.03.2024 without making the petitioner a respondent or giving him an opportunity to be heard.

4. The further contention of the petitioner is that the Probate petition in respect of the will dated 21.10.2023, under which the property is bequeathed equally among the three sons of the deceased father late Tarung Jamoh, including the petitioner and the respondent No.1 is pending adjudication before the District Court, East Siang, Pasighat. Under the circumstances, the Execution court ought to have deferred the Execution in the light of the probate proceedings.

5. In view of the above circumstances, the petitioner prays to set aside the

order dated 12.06.2025 passed by the Execution court and to stay the further Execution proceedings pending disposal of the probate proceedings.

6. Having considered the submissions of the learned counsel for the petitioner and upon perusal of the record, this Court is of the view that the petitioner has made out a prima facie case for grant of interim protection. The petitioner was not a party before the village authority and his right under the will are yet to be executed by the probate court.

7. Accordingly, the execution of the Kebang order dated 16.03.2024 as directed by the Execution court vide order dated 12.06.2025 is stayed till the next returnable date of listing.

8. Call for the scanned copy of the records from execution Court. Issue notice to the respondents returnable by 4 (four) weeks.

9. The petitioner shall take steps upon the respondents by a registered post with AD as well as by usual process within a week from today.

List this matter after 4 (four) weeks.

JUDGE

Comparing Assistant