

GAHC010016292024



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

Case No. : CRP(IO)/69/2024

UDAY LAL GOALA AND 8 ORS
S/O- LATE BIRBAL GOALA

2: SRI BHOLA NATH YADAV @ BHOLA NATH GOALA

AGED ABOUT 46 YEARS

S/O-LATE BIRBAL GOALA

3: SRI UTTAM GOALA
S/O-LATE BIRBAL GOALA

4: GAUTAM GOALA
S/O- LATE BIRBAL GOALA

5: SABITRI GOALA

AGED ABOUT 58 YEARS

WIFE OF RAM DEO GOALA

6: MIRA GOALA

AGED ABOUT 52 YEARS

WIFE OF MOTILAL GOALA

7: MINA GOALA

AGED ABOUT 50 YEARS

WIFE OF PREMANAND GOALA

8: SUMANTI GOALA

AGED ABOUT 44 YEARS

WIFE OF BIJOY GOALA

SL NO 5 TO 8 ABOVE ARE DAUGHTERS OF LATE BIRBAL GOALA

9: MUNESWARI GOALA

AGED ABOUT 76 YEARS

WIFE OF LATE BIRBAL GOALA

ALL ARE PERMANENT RESIDENTS OF MEHERPUR
BIRBAL BAZAR
AMBICAPUR PART XI
SILCHAR
P.O. MEHERPUR
P.S. SILCHAR
PIN- 788015
DISTRICT- CACHAR
ASSAM

VERSUS

AMRITA SINGH (YADAV) AND 46
D/O- LATE DHARAM RAJ GOALA

2:MONTI GOALA (YADAV)
AGED ABOUT 45 YEARS

DAUGHTERS OF LATE DHARAMRAJ GOALA

3:BHAGYABATI GOALA

AGED ABOUT 76 YEARS

WIFE OF LATE DHARAMRAJ GOALA

4:SRI RAM MURTI GOALA (YADAV)

AGED ABOUT 71 YEARS

SON OF LATE RAM CHARAN GOALA (YADAV)

5:SRI JOYDEEP GOALA (YADAV)
AGED ABOUT 56 YEARS

SON OF LATE SAGAR GOALA

6:SMT. GITA GOALA (YADAV)
AGED ABOUT 65 YEARS

DAUGHTERS OF LATE SAGAR GOALA

7:MALA GOALA (YADAV)
AGED ABOUT 58 YEARS

DAUGHTERS OF LATE SAGAR GOALA

8:SMT. MIRA GOALA (YADAV)
AGED ABOUT 55 YEARS

DAUGHTERS OF LATE SAGAR GOALA

(1-8 ABOVE ARE LEGAL HEIRS OF LATE SURESH GOALA)
ALL ARE PERMANENT RESIDENTS OF MEHERPUR
BIRBAL BAZAR
AMBICAPUR PART XI
SILCHAR
P.O. MEHERPUR
P.S. SILCHAR
PIN- 788015
DISTRICT- CACHAR
ASSAM.

9:DINESH KUMAR JAIN

AGED ABOUT 79 YEARS

SON OF HARAK CHAND JAIN

A RESIDENT OF NAVIN FOOD INDUSTRIES
MEHERPUR
SILCHAR
P.O. MEHERPUR

P.S. SILCHAR
PIN-788015

DISTRICT- CACHAR
ASSAM.

10:SRI HARIPADA CHAKRABORTY

AGED ABOUT 72 YEARS

11:SRI CHANDAN CHAKRABORTY

AGED ABOUT 75 YEARS

12:SRI MINTU CHAKRABORTY

AGED ABOUT 68 YEARS

13:SRI DILIP CHAKRABORTY

AGED ABOUT 65 YEARS

14:SRI SUBRATA CHAKRABORTY

AGED ABOUT 69 YEARS

15:SRI SOUMITRA CHAKRABORTY

AGED ABOUT 58 YEARS

16:SRI SHANTO CHAKRABORTY

AGED ABOUT 52 YEARS

17:SRI DHUTU CHAKRABORTY

AGED ABOUT 50 YEARS

18:SMT. NILIMA CHAKRABORTY

AGED ABOUT 58 YEARS

19:SMT. KABITA CHAKRABORTY

AGED ABOUT 52 YEARS

20:SMT. PURABI CHAKRABORTY

AGED ABOUT 55 YEARS

21:SMT. MONICA CHAKRABORTY

AGED ABOUT 52 YEARS

22:SMT. SUTAPA CHAKRABORTY

AGED ABOUT 60 YEARS

23:SMT. KHUKI CHAKRABORTY

AGED ABOUT 61 YEARS

24:SRI SUDHANGSHU CHAKRABORTY

AGED ABOUT 72 YEARS

AGED ABOUT 72 YEARS

SONS AND DAUGHTERS OF LATE SURENDRA CHAKRABORTY

(10 -24 ARE THE LEGAL HEIRS OF LATE HARENDRA CHAKRABORTY) ALL
ARE RESIDENTS OF HOSPITAL ROAD

SILCHAR TOWN

P.O. RANGIRKHARI

P.S. SILCHAR

PIN-788005

DISTRICT- CACHAR

ASSAM.

25:SMT. TETTARI KURMI

AGED ABOUT 68 YEARS

WIFE OF DILIP KURMI

A RESIDENT OF KAYAH TEA ESTATE
PARGANA SARASPUR

HAILAKANDI
PIN- 788164
DISTRICT- HAILAKANDI
ASSAM

26:SRI SUNIL RANJAN BHATTACHARJEE

AGED ABOUT 65 YEARS

SON OF LATE SURJA KUMAR BHATTACHARJEE

OF BOTERTOL
MEHERPUR
SILCHAR
P.O. MEHERPUR
PIN-788015

DISTRICT- CACHAR
ASSAM

27:SMT. MARCHIYA KURMI

AGED ABOUT 64 YEARS

WIFE OF LATE BECHAN KURMI

28:SMT. LOKHIYA KURMI

AGED ABOUT 64 YEARS

WIFE OF SHEWDHAN KURMI

BOTH ARE OF LAKHINAGAR TEA ESTATE
PIN-788164

DISTRICT-HAILAKANDI
ASSAM

29:SMT. KUSHMI KURMI

AGED ABOUT 65 YEARS

WIFE OF NANKU KURMI

OF FAKIR TILLA
P.O. REC SILCHAR
PIN- 788010

DISTRICT- CACHAR
ASSAM.

30:SRI MONI KURMI

AGED ABOUT 64 YEARS

SON OF UNKNOWN

31:SRI NARESH KURMI

AGED ABOUT 62 YEARS

32:SRI GANESH KURMI

AGED ABOUT 60 YEARS

33:SRI SURESH KURMI

AGED ABOUT 61 YEARS

SONS OF MONI KURMI

OF GHUNGOOR KUARPAR
SILCHAR
P.O. NIT
SILCHAR
PIN-788010

DISTRICT- CACHAR
ASSAM

34:SMT. BAULI KURMI

AGED ABOUT 58 YEARS

WIFE OF UMA SANKAR KURMI

35:SMT. TUGANI KURMI

AGED ABOUT 62 YEARS

WIFE OF UNKNOWN

OF VILL. HARINAGAR
RAMKRISHNA NAGAR
P.O. AND P.S. RAMKRISHNA NAGAR
PIN-788166
DISTRICT- CACHAR
ASSAM.

36:SMT. BUCHANI KURMI

AGED ABOUT 58 YEARS

DAUGHTER OF LATE KALI PRASAD KURMI

OF GHUNGOOR
SILCHAR

P.O. NIT
SILCHAR

PIN-788010

DISTRICT- CACHAR
ASSAM.

37:SRI RAMESH CHANDRA PAUL
AGED ABOUT 60 YEARS

SON OF LATE PRAKASH CHANDRA PAUL

OF BILPAR
SILCHAR TOWN

P.O. AND P.S. SILCHAR
PIN-788001
DISTRICT- CACHAR
ASSAM.

38:SRI NAVIN KUMAR JAIN

AGED ABOUT 56 YEARS

SON OF NIRMAL KUMAR JAIN

OF MEHERPUR

SILCHAR
P.O. MEHERPUR
PIN-788015
DISTRICT- CACHAR
ASSAM.

39:SMT. ANJALI PAUL

AGED ABOUT 82 YEARS

WIFE OF LATE PRAFULLA CHANDRA PAUL

40:SMT. ANIMA RANI PAUL

AGED ABOUT 58 YEARS

DAUGHTER OF LATE PRAFULLA CHANDRA PAUL

BOTH ARE RESIDENTS OF GHUNGOOR
P.O. NIT
SILCHAR
PIN-788010

DISTRICT- CACHAR
ASSAM.

41:SRI SUSHIL CH. PAUL

AGED ABOUT 67 YEARS

42:SRI SUNIL CH. PAUL

AGED ABOUT 65 YEARS

43:SRI SUBODH CH. PAUL

AGED ABOUT 60 YEARS

SONS OF LATE KRISHNA CHARAN PAUL

ALL ARE OF GHUNGOOR
CHATLA
P.O. NIT
SILCHAR
PIN-788010

DISTRICT- CACHAR
ASSAM.

44:SMT. BASANTA RANI PAUL

AGED ABOUT 58 YEARS

WIFE OF GOPESH CHANDRA PAUL

OF BAGPUR
P.O. BAGPUR

PIN-788101
P.S. SILCHAR
DISTRICT- CACHAR
ASSAM.

45:SMT. KANAN RANI PAUL

AGED ABOUT 62 YEARS

WIFE OF SADHAN CHANDRA PAUL

OF IRONGMARA
SILCHAR
P.O. IRONGMARA BAZAR

PIN-788011
P.S. SILCHAR
DISTRICT- CACHAR
ASSAM.

46:SMT. SUNITA PAUL

AGED ABOUT 58 YEARS

WIFE OF SHANKAR PAUL

OF NAGAR BAGAN
UDHARBOND
P.O. AND P.S. UDHARBOND
PIN-788030
DISTRICT- CACHAR
ASSAM.

47:SMT. UJJALA PAUL

AGED ABOUT 62 YEARS

WIFE OF LATE KRISHNA CHARAN PAUL
OF GHUNGOOR
CHATLA

P.O.NIT
SILCHAR

P.S. SILCHAR
PIN-788010
DISTRICT- CACHAR
ASSAM

Advocate for the Petitioner : MR. S D PURKAYASTHA

Advocate for the Respondent : MR G N SAHEWALLA

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

21.02.2024

Heard Mr. S D Purkayastha, learned counsel for the petitioner as well as Mr. G N Sahewalla, learned senior counsel appearing for the respondents, assisted by Ms. S. Todi, Advocate.

This is an application under Article 227 of the Constitution of India challenging the order dated 16.12.2023 passed by the learned District Judge Cachar, Silchar in Title Appeal No. 10/2023 rejecting the Petition No. 10/2004 praying for stay of all further proceedings in connection with the decree passed in Title Suit No. 18/1982.

The present matter relates to an order passed by this court on 13.09.2022 in RSA 66/2001. Accordingly, a decree was prepared by the learned Civil Judge, (Sr. Division) No. 2, Cachar, Silchar.

Both sides in this matter have agreed that the decree was not prepared in consonance with the observations made by this court which are available in paragraph 28 of the said judgment. Para 28 of the said judgment reads as under:

“28. Before concluding, this Court would however like to clarify that the decree

so passed by the Trial Court is a final decree within the meaning of Order XX Rule 18 (1) of the Code thereby directing the Collector to carry out the partition in terms with Section 54 to the extent as decreed by the Trial Court i.e. the plaintiff's right, title and interest is declared in so far as 3 Bighas 4 kathas 6 2022:GAU-AS:13460 Page No.# 21/22 chataks 6 gondas 3 korus of the suit patta and the Collector or any person designated by him in terms with Section 54 of the Code read with the provisions of the Assam Land and Revenue Regulation 1886, shall partition the suit patta as per the decree passed by the Trial Court and the amicable settlement in so far as Title Appeal No.14/1989 and Title Appeal No.15/1989 are concerned and thereafter issue a separate patta in favour of the plaintiff/appellant to the extent decreed by the Trial Court”.

Since both sides have agreed that the decree was wrongly prepared, the learned Civil Judge (Sr. Division) No. 2, Cachar, Silchar is directed to prepare the decree afresh in accordance with the observation of this court as mentioned hereinbefore. After preparation of the decree afresh, the same shall be sent to the concerned revenue authority for preparation of 'saham' and thereafter, partition shall be affected. Further, it is made clear that the old decree need not be executed.

With the above direction, the present civil revision stands disposed of.

JUDGE

Comparing Assistant