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

Case No. : FAO/56/2025

ABU NASER MD. SALEH
S/O. LT. SAIFUDDIN AHMED, PERMANENT R/O. WARD NO. 2, MALGANDAI TOWN, MOUZA- CHAPAI, P/O. AND P/S. MANGALDAI, DIST. DARRANG, PIN-784125
PRESENTLY RESIDING AT HOUSE NO. 12, KANURAM PATH, AJANTA PATH (NEAR PRATIKSHA APRATMENT), P/O. AND P/S. HATIGAON, GUWAHATI-28, DIST. KAMRUP (M), ASSAM

VERSUS

HADI IFTIKAR HUSSAIN AND ANR.
S/O. LT. SAIFUDDIN AHMED, R/O. WARD NO. 2, MANGALDAI, DIST. DARRANG, PIN-784125, ASSAM.

2:ABIDUR RAHMAN
S/O. SAHAR ALI
R/O. VILL.- NO. 1
THEKERABARI
P/O. BALABARI
MOUZA- SHYAMABARI
P/S. DHULA
DIST. DARRANG
ASSAM
PIN-784146

Advocate for the Petitioner : MR. S A HUSSAIN, MR D J HALOI,G BORO,MR. R K BHUYAN

Advocate for the Respondent : MR. I A HAZARIKA (R-1), MR. S SHARMA (R-2),MR F U BARBHUIYA(R-1),MS S DAS(R-1)

Linked Case : I.A.(Civil)/872/2026

ABIDUR RAHMAN
S/O. SAHAR ALI
R/O. VILL.- NO. 1
THEKERABARI
P/O. BALABARI
MOUZA- SHYAMABARI
P/S. DHULA
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VERSUS

ABU NASER MD. SALEH
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AJANTA PATH (NEAR PRATIKSHA APRATMENT)
P/O. AND P/S. HATIGAON
GUWAHATI-28
DIST. KAMRUP (M)
ASSAM

Advocate for : MR. S SHARMA
Advocate for : MR. R K BHUYAN appearing for ABU NASER MD. SALEH

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

14.10.2026

1. Heard learned counsel Mr. S. Sharma for the respondent No. 2/applicant who has filed this application under Order 6 Rule 17 read with Section 151 of the Cr.PC for correcting the typographical/clerical mistakes in the affidavit-in-opposition filed by the opposite party/respondent No. 2/claimant in connection with I.A.(Civil)/2923/2025.

2. It is submitted that while preparing for hearing on the said petition, the engaged counsel for opposite party No. 2/respondent No. 2/applicant noticed some typographical/clerical errors in some paragraphs of the affidavit-in-opposition as follows:-

a) In page no. 4, paragraph no. 3, last part, instead of revision it should be F.A.O. (First Appeal against Order).

b) In paragraph no. 6 of affidavit-in-opposition from 2nd line by mistake, it is written that father of opposite party no. 1 had gifted 2 Kathas 10 Lechas of Schedule A plot of land to him by executing a registered Gift Deed (Hiba-bil-iwas).

Subsequently, in the same paragraph at page no. 166 from 5th line, it is mentioned that "father of defendant no. 1 and 2 had executed an unregistered gift deed in favour of defendant no. 2 of this suit"

In this manner, the applicant states that there had been

typographical/clerical errors. Registered Hiba-bil--iwas had been executed in favour of the defendant no. 2 of the suit namely Motiur Rahman and unregistered Hiba (Gift Deed) with delivery of possession had been executed in favour of the defendant no 1/opposite party no. 1, Hadi Iftikhar Hussain. This requires correction.

(c) In paragraph no. 10 of the affidavit-in-opposition also in line no. 2, 3 and 4 again it is mentioned that Hiba-bil-iwas was executed by father of opposite party no. 1 in his favour and Hiba was executed in favour of defendant no. 2.

This is also required to be corrected because Hiba-bil-iwas was executed in favour of defendant no.2 and unregistered Hiba was executed in favour of opposite party no. 1 Hadi Iftikhar Hussain.

(d) Again in paragraph no. 11 at page 170 in line no. 18 (eighteen) similar mistakes had been repeated by stating about executing registered Deed of Hiba-bil-iwas in favour of Hadi Iftikhar Hussain and Deed of Hiba (Gift) in favour of Motiur Rahman.

It is thereby submitted that all the errors as mentioned above are bonafide errors. The appellant had already annexed the Hiba-bil-iwas as well as unregistered Hiba along with his FAO from page-119 to 126. A prayer has been made by the applicant to rectify the typographical errors/mistakes.

3. Learned counsel for the opposite parties Mr. S. A. Hussain has raised no objection.

4. Considering the submissions made at the Bar, the applicant is allowed to correct the typographical errors/mistakes in I.A. No. 2923/2025 as stated above.

The amended and corrected affidavit-in-opposition may be filed by the respondents/applicants and a copy to be furnished to the appellants.

5. In terms of the above observation, this I.A. stands disposed of.

JUDGE

Comparing Assistant