

GAHC010001592024



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

Case No. : I.A.(Civil)/67/2024

ON THE DEATH OF ABDUL REZAK @ ABDUR RAJAK
HIS LEGAL HEIRS MUSSTT. SULTANA BEGUM AND ORS.

1.1: MJUSSTT. SULTANA BEGUM

W/O LATE ABDUL REZAK @ ABDUR RAJAK
RESIDENT OF BAKRIHOWAR PART VIII
ALGAPUR
HAILAKANDI
P.O. KALINAGAR
PS AND DIST HAILAKANDI
ASSAM 788801

1.2: ABDUL KAYUM MD. YEAHIA AHMED

S/O LATE ABDUL REZAK @ ABDUR RAJAK
RESIDENT OF BAKRIHOWAR PART VIII
ALGAPUR
HAILAKANDI
P.O. KALINAGAR
PS AND DIST HAILAKANDI
ASSAM 788801

1.3: U.K. SUHELA BEGUM

D/O LATE ABDUL REZAK @ ABDUR RAJAK
RESIDENT OF BAKRIHOWAR PART VIII
ALGAPUR
HAILAKANDI
P.O. KALINAGAR
PS AND DIST HAILAKANDI
ASSAM 788801

1.4: U.K. MUSSTT. HELALA BEGUM

D/O LATE ABDUL REZAK @ ABDUR RAJAK
RESIDENT OF BAKRIHOWAR PART VIII
ALGAPUR
HAILAKANDI
P.O. KALINAGAR
PS AND DIST HAILAKANDI
ASSAM 788801

1.5: KADIJA BEGUM

D/O LATE ABDUL REZAK @ ABDUR RAJAK
RESIDENT OF BAKRIHOWAR PART VIII
ALGAPUR
HAILAKANDI
P.O. KALINAGAR
PS AND DIST HAILAKANDI
ASSAM 788801. BEING REPRESENTED BY HER MOTHER I.E. MUSSTT.
SULTANA BEGUM

1.6: FAIJUL JALAL

S/O LATE ABDUL REZAK @ ABDUR RAJAK
RESIDENT OF BAKRIHOWAR PART VIII
ALGAPUR
HAILAKANDI
P.O. KALINAGAR
PS AND DIST HAILAKANDI
ASSAM 788801. BEING REPRESENTED BY HIS MOTHER I.E. MUSSTT.
SULTANA BEGUM

1.7: SAHINA BEGUM

D/O LATE ABDUL REZAK @ ABDUR RAJAK
RESIDENT OF BAKRIHOWAR PART VIII
ALGAPUR
HAILAKANDI
P.O. KALINAGAR
PS AND DIST HAILAKANDI
ASSAM 788801. BEING REPRESENTED BY HER MOTHER I.E. MUSSTT.
SULTANA BEGU

VERSUS

RATAN DAS AND 54 ORS
S/O LATE NABA KISHORE DAS, RESIDENT OF BAKRIHAWAR PART VIII, PO

AND PS PANCHGRAM, DIST HAILAKANDI, ASSAM 788802.

2:SRI PRADIP DAS

S/O LATE NABA KISHORE DAS
RESIDENT OF BAKRIHAWAR PART VIII
PO AND PS PANCHGRAM
DIST HAILAKANDI
ASSAM 788802

3:SRI PRANOY DAS

VILLAGE KATIGORAH (GOVINDAPUR) DIST CACHAR
ASSAM 788804

4:UJJALINI DAS

VILLAGE KATIGORAH (GOVINDAPUR) DIST CACHAR
ASSAM 788804

5:PRAMODINI DAS

VILLAGE KATIGORAH (GOVINDAPUR) DIST CACHAR
ASSAM 788804

6:BIVA RANI DAS

VILLAGE KATIGORAH (GOVINDAPUR) DIST CACHAR
ASSAM 788804

7:RENUBALA DAS

VILLAGE KATIGORAH (GOVINDAPUR) DIST CACHAR
ASSAM 788804

8:LAKHI RANI DAS

VILLAGE KATIGORAH (GOVINDAPUR) DIST CACHAR
ASSAM 788804

9:SMTI PINA RANI DAS

W/O LATE NABAKISHOR DAS

RESIDENT OF BAKRIHAWAR PART 8
PS PANCHGRAM
DIST HAILAKANDI
ASSAM 788802

10:MD. SURMAN ALI

RESIDENT OF KALINAGAR PART III
PS PANCHGRAM

DIST HAILAKANDI
ASSAM 788801

11:MD. NAMAR ALI
RESIDENT OF KALINAGAR PART III
PS PANCHGRAM
DIST HAILAKANDI
ASSAM 788801

12:MD. MAKMOD ALI
RESIDENT OF KALINAGAR PART III
PS PANCHGRAM
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ASSAM 788801

13:MD. ARJAD ALI
RESIDENT OF KALINAGAR PART III
PS PANCHGRAM
DIST HAILAKANDI
ASSAM 788801

14:MD. ASHAID ALI
RESIDENT OF KALINAGAR PART III
PS PANCHGRAM
DIST HAILAKANDI
ASSAM 788801

15:MD. AFAS ALI
RESIDENT OF KALINAGAR PART III
PS PANCHGRAM
DIST HAILAKANDI
ASSAM 788801

16:SRI MANORANJAN DAS
RESIDENT OF KALINAGAR PART III
PS PANCHGRAM
DIST HAILAKANDI
ASSAM 788801

17:SRI CHITTARANJAN DAS

RESIDENT OF KALINAGAR PART III
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ASSAM 788801

18:SRI ABOD RANJAN DAS

RESIDENT OF KALINAGAR PART III
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DIST HAILAKANDI
ASSAM 788801

19:SRI NIRANJAN DAS
RESIDENT OF KALINAGAR PART III
PS PANCHGRAM
DIST HAILAKANDI
ASSAM 788801

20:SRI SUKUMAR DAS
S/O LATE BHARAT RAM DAS

RESIDENT OF KALINAGAR PART III
PS PANCHGRAM
DIST HAILAKANDI
ASSAM 788801

21:SRI PRANAY CHANDRA DAS

S/O LATE PRATAP CHANDRA DAS

RESIDENT OF KALINAGAR PART III
PS PANCHGRAM
DIST HAILAKANDI
ASSAM 788801

22:MUSSTT. MAFURA BEGUM
RESIDENT OF DAS COLONY
INDIA SARANI ROAD
DIST CACHAR
ASSAM 788005

23:MUSSTT. ZAFURA BEGUM
RESIDENT OF DAS COLONY
INDIA SARANI ROAD
DIST CACHAR
ASSAM 788005

24:MUSSTT. CHALAIFA BEGUM
RESIDENT OF DAS COLONY
INDIA SARANI ROAD
DIST CACHAR
ASSAM 788005

25:MUSSTT. NOOR KHATUN
RESIDENT OF DAS COLONY

INDIA SARANI ROAD
DIST CACHAR
ASSAM 788005

26:SMTI DIPALI DAS

W/O LATE HARKRISHORE DAS

RESIDENT OF DAS COLONY
INDIA SARANI ROAD
DIST CACHAR
ASSAM 788005

27:SRI BIDYUT DAS

S/O LATE HARKRISHORE DAS

RESIDENT OF DAS COLONY
INDIA SARANI ROAD
DIST CACHAR
ASSAM 788005

28:SRI TILU DAS
RESIDENT OF SALCHAPRA (KURIA BASTI)
DIST CACHAR
ASSAM 788025

29:SRI SANJU DAS

RESIDENT OF SALCHAPRA (KURIA BASTI)
DIST CACHAR
ASSAM 788025

30:SRI RANJU DAS

S/O LATE PRAKASH CHANDRA DAS

RESIDENT OF SALCHAPRA (KURIA BASTI)
DIST CACHAR
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31:MD. AHMED ALI
S/O LATE KHESA MIA
RESIDENT OF BAKRIHAWAR PART 8
DIST CACHAR
ASSAM 788802

32:MD. YASEEN ALI

RESIDENT OF BAKRIHAWAR PART 8
DIST CACHAR
ASSAM 788802

33:MD SAKIB ALI
RESIDENT OF BAKRIHAWAR PART 8
DIST CACHAR
ASSAM 788802

34:MD. NURUL ISLAM
RESIDENT OF BAKRIHAWAR PART 8
DIST CACHAR
ASSAM 788802

35:MD. FAKAR UDDIN
RESIDENT OF BAKRIHAWAR PART 8
DIST CACHAR
ASSAM 788802

36:MD. NAZRUL ISLAM
S/O LATE RIYASAT ALI

RESIDENT OF BAKRIHAWAR PART 8
DIST CACHAR
ASSAM 788802

37:MD. HIFZUR RAHMAN LASKAR
S/O LATE NIMAR ALI LASKAR

RESIDENT OF BAKRIHAWAR PART 8
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38:MD. ABDUL REJAK
S/O LATE MOPU MIA

RESIDENT OF BAKRIHAWAR PART 8
PS PANCHGRAM
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39:MD. ISTAI ALI
RESIDENT OF BAKRIHAWAR PART 8
PS PANCHGRAM
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40:MD. MASUK AHMED
RESIDENT OF BAKRIHAWAR PART 8
PS PANCHGRAM
DIST HAILAKANDI
ASSAM 788802

41:MD. SABBIR AHMED
S/O LATE TAYAB ALI

RESIDENT OF BAKRIHAWAR PART 8
PS PANCHGRAM
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ASSAM 788802

42:MD. AYUB ALI

S/O LATE AJFAR ALI

RESIDENT OF BAKRIHAWAR PART 8
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43:MD. MUDARIS ALI
S/O AJFAR ALI
RESIDENT OF BAKRIHAWAR PART 8
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44:MD. SUNAHAR ALI
S/O LATE BAHADUR ALI

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45:MD. ABU BAKKAR MIA
S/O ARAB ALI

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48:MUSST. FATIMA BIBI
S/O LATE ABDUL RAHIM
RESIDENT OF BAKRIHAWAR PART 8
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49:MD. ABDUL MANNAN
S/O LATE AHMED ALI

RESIDENT OF BAKRIHAWAR PART 8
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50:MD. ABDUL REJAK
S/O LATE ASAB ALI

RESIDENT OF BAKRIHAWAR PART 8
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ASSAM 788802

51:SRI HIRENDRA CHANDRA DAS

S/O LATE HARAP CHANDRA DAS

RESIDENT OF BAKRIHAWAR PART 8
PS PANCHGRAM
DIST HAILAKANDI
ASSAM 788802

52:SRI NIRANJAN DAS

S/O LATE JATINDRA CHANDRA DAS

RESIDENT OF BAKRIHAWAR PART 8

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53:SRI NIRANJAN DAS

S/O LATE PROMODINI DEVI
RESIDENT OF BAKRIHAWAR PART 8
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54:SRI MANMOHAN DAS
S/O RAJMONI DAS

RESIDENT OF BAKRIHAWAR PART 8
PS PANCHGRAM
DIST HAILAKANDI
ASSAM 788802

55:SRI MANMOHAN DAS

S/O LATE SUKOMOI DEVI
RESIDENT OF BAKRIHAWAR PART 8
PS PANCHGRAM
DIST HAILAKANDI
ASSAM 78880

Advocate for the Petitioner : MR. M H RAJBARBHUIYAN

Advocate for the Respondent : MR. S K GHOSH

Linked Case : RSA/145/2023

MD. ABDUL REJAK AND 22 ORS.
AGED ABOUT 56 YEARS

2: MD. ABDUS SAMAD
AGED ABOUT 58 YEARS

3: MD. ABUL HUSSAIN
AGED ABOUT 48 YEARS

4: MD. ABDUL SUKKUR
AGED ABOUT 39 YEARS

5: MD. ABDUL RASHID
S/O LATE ASAB ALI

6: MUSSTT. PANIA BIBI
W/O LATE ASAB ALI

7: MUSSTT. FAKRUN NESA
ALL ARE SUCCESSOR OF LATE EKAB ALI

8: MD. USMAN ALI
AGED ABOUT 59 YEARS

9: MD. ILIYAS ALI
AGED ABOUT 55 YEARS

10.1: ON THE DEATH OF TAIMUS ALI
S/O EKAB ALI
HIS LEGAL HEIR SALTUN NESSA
AGED ABOUT 69 YEARS

10.2: ABDUL MAJID
AGED ABOUT 49 YEARS

10.3: ABDUL RUP
AGED ABOUT 47 YEARS

10.4: ABDUL HANNAN
AGED ABOUT 45 YEARS

10.5: ABDUL WAHID
AGED ABOUT 43 YEARS

10.6: ABDUL BASIT
AGED ABOUT 41 YEARS

10.7: SOFIA BEGUM
AGED ABOUT 39 YEARS

10.8: SAIRA BEGUM
AGED ABOUT 38 YEARS

10.9: SULTANA BEGUM
AGED ABOUT 35 YEARS

10.10: FAIDA BEGUM
AGED ABOUT 31 YEARS

11: MD. ABDUL MANIK
AGED ABOUT 41 YEARS

12: MD. ABDUL JALIL
S/O LATE RAHMAN ALI

RESIDENT OF RANGABAK PART VIII
PS PANCHGRAM DIST HAILAKANDI
ASSAM 788161
VERSUS

RATAN DAS AND 54 ORS
S/O LATE NABA KISHORE DAS
RESIDENT OF BAKRIHAWAR PART VIII
PO AND PS PANCHGRAM
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RESIDENT OF BAKRIHAWAR PART 8
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RESIDENT OF BAKRIHAWAR PART 8
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RESIDENT OF BAKRIHAWAR PART 8
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S/O LATE RIYASAT ALI

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S/O LATE NIMAR ALI LASKAR

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S/O LATE MOPU MIA

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PS PANCHGRAM
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ASSAM 788802

Advocate for the applicant(s): Mr. MH Rajbarbhuyan

Advocate for the respondent(s): Mr. SK Ghosh

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

10.05.2024

This is an application under Order XXII Rule 2 of the Code of Civil Procedure, 1908 (for short, the Code) for substituting the appellant No.1, who expired on 18.10.2023.

2. It has been mentioned that the right to sue survives pursuant to the death of the appellant No.1 and the appellant No.1 is survived by the applicants of the instant application.

3. Taking into account that the applicants herein are the legal representatives of the appellant No.1, the said applicants are substituted against the appellant No.1 in the accompanying regular second appeal and they are arrayed as appellant 1(a), 1(b), 1(c), 1(d), 1(e), 1(f) and 1(g) in the accompanying second appeal.

4. The counsel appearing on behalf of the applicants is directed to file a fresh Memo of Parties before the Registry of this Court in terms of the instant order and the Registry shall make necessary changes in the cause-title of the accompanying appeal as well as update the same in the CIS system.

5. Interlocutory application, accordingly, stands disposed of.

JUDGE

Comparing Assistant