

GAHC010051322022



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

Case No. : I.A.(Civil)/612/2024

ON THE DEATH OF YUNUS ALI @ INNAS ALI HIS LEGAL HEIRS HASINA
BEGUM AND ORS
W/O LATE MD. YUNUS ALI

R/O- VILL.- TATIKATA
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

2: ASHIQUE ELAHI
S/O LATE MD. YUNUS ALI

R/O- VILL.- TATIKATA
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

3: MD. OLI ULLAH
S/O LATE MD. YUNUS ALI

R/O- VILL.- TATIKATA
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

4: UBAIDULLAH KHAN
S/O LATE MD. YUNUS ALI

R/O- VILL.- TATIKATA
MOUZA AND P.S. MAIRABARI

DIST.- MORIGAON
ASSAM
PIN- 782126.
VERSUS

MD. HAMED ALI AND ORS.
S/O- LATE ISMAIL KHAN
R/O- VILL.- MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

2:MD. KODOM ALI

S/O LATE AKTAR ALI
R/O- VILL.- MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

3:MD. ABDUL SATTAR
S/O- LATE ABBAS ALI
R/O- VILL.- MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

4:MD. ABDUL AJIJ
S/O- LATE ABBAS ALI
R/O- VILL.- MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

5:MD. ABDUL BARIK
S/O- LATE ABBAS ALI
R/O- VILL.- MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

6:MD. ABDUL HAMED
S/O- LATE ABBAS ALI

R/O- VILL.- MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

7:MD. AINUDDIN
S/O LATE MOTAB ALI
RESIDENT OF VILLAGE MAIRABARI
MOUZA AND PS MAIRABARI
DIST MORIGAON
ASSAM 782126

8:MD. MAHAMMAD ALI
S/O LATE ABDUL RAHIM
RESIDENT OF VILLAGE MAIRABARI
MOUZA AND PS MAIRABARI
782126

9:MD. AHAMMAD ALI
S/O LATE ABDUL RAHIM
RESIDENT OF VILLAGE MAIRABARI
MOUZA AND PS MAIRABARI
782126

10:MD. SAMED ALI
S/O- LATE ABDUL RAHIM
R/O- VILL.- MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

11:MD. REJAK ALI
S/O LATE ABDUL RAHIM
RESIDENT OF VILLAGE MAIRABARI
MOUZA AND PS MAIRABARI
782126

12:HAMID ALI
S/O LATE ABDUL RAHIM
RESIDENT OF VILLAGE MAIRABARI
MOUZA AND PS MAIRABARI
782126

13:MD. SATTAR ALI
S/O- LATE ABDUL RAHIM
R/O- VILL.- MAIRABARI

MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

14:ABDUL BARIK
S/O LATE AMZAT ALI

RESIDENT OF VILLAGE MAIRABARI
MOUZA AND PS MAIRABARI
782126

15:ABDUL HYE
S/O LATE AMZAT ALI

RESIDENT OF VILLAGE MAIRABARI
MOUZA AND PS MAIRABARI
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16:ABDUL KARIM
S/O LATE AMZAT ALI

RESIDENT OF VILLAGE MAIRABARI
MOUZA AND PS MAIRABARI
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17:ABDUL MANNAN
S/O LATE AMZAT ALI

RESIDENT OF VILLAGE MAIRABARI
MOUZA AND PS MAIRABARI
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18:MUSST. HAZERA KHATUN
D/O LATE AMZAT ALI

RESIDENT OF VILLAGE MAIRABARI
MOUZA AND PS MAIRABARI
782126

19:MD. MAFIZUL ISLAM
S/O- LATE IBRAHIM
R/O- VILL.- MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

20:MD. ABDUL JALIL
S/O- LATE IBRAHIM
R/O- VILL.- MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

21:HABIBUR RAHMAN
S/O- LATE IBRAHIM
R/O- VILL.- MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

22:MD. MUJIBUR RAHMAN
S/O- AINUDDIN
R/O- VILL.- MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

23:MD. HABIBUR RAHMAN
S/O- AINUDDIN
R/O- VILL.- MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

24:MD. AHAMMAD ALI
S/O- HAZI SIRAJ ALI
R/O- VILL.- MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

25:MD. MAHAMMAD ALI
S/O- HAZI SIRAJ ALI
R/O- VILL.- MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

26:MD. AYUB ALI
S/O- HAZI SIRAJ ALI
R/O- VILL.- MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

27:MD. ABDUL SALAM
S/O- AINUDDIN
R/O- VILL.- MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

28:MD. NURUL HAQUE
R/O- VILL.- TATIKATA
MOUZA AND P.S. MAIRABARI
DIST.- MORIGAON
ASSAM
PIN- 782126.

29:MUSST. JUBEDA KHATUN
W/O LATE YAKUB ALI

RESIDENT OF VILLAGE TITIKATA
MOUZA AND PS MAIRABARI
DIST MORIGAON
ASSAM 782126

Advocate for : MR. J AHMED
Advocate for : appearing for MD. HAMED ALI AND ORS.

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

30.10.2024

Heard Mr. J. Ahmed, learned counsel for the applicants and also heard Mr. S.K. Ghosh, learned counsel for the respondent No.1.

This interlocutory application under Order XXII Rule 9 of the CPC is preferred by the applicants for setting aside the abatement of the appeal against appellant No.24.

Mr. Ahmed, learned counsel for the applicants submits that he is not willing to press this application and the name of appellant No.24 may be struck off from the array of the connected RSA.

In terms of above, this I.A. stands disposed of.

The learned counsel for the applicants shall file the amended memo of appeal after deletion of the name of the applicant No.24 as well as impleadment of the legal representative of the appellant No.26.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant